

SAN MATEO COUNTY
ENVIRONMENTAL HEALTH

FEB 15 2005

RECEIVED

Recording Requested by:

County of San Mateo Health Services Agency
Environmental Health Services Division

When Recorded, Mail to:

County of San Mateo Health Services Agency

455 County Center, 4th Floor

Redwood City, CA 94063

Attn: Environmental Health Services Div.

2005-039527 CONF

11:45am 03/14/05 DR Fee: 37.00

Count of pages 11

Recorded in Official Records

County of San Mateo

Warren Slocum

Assessor-County Clerk-Recorder



COVENANT TO RESTRICT USE OF PROPERTY

[ENVIRONMENTAL RESTRICTION]

Former CT International Site

3645 Haven Avenue

Menlo Park, California

Site APN: #055-170-210

The Covenant and Agreement ("Covenant") is made on the 10th day of December 2004 by Howard K. & Ann H. Bennett dba Haven Enterprises. ("Covenantor"), which is the owner of record of that certain property situated at 3645 Haven Avenue in Menlo Park, County of San Mateo, State of California. For the purposes of this Covenant, the portion of the property formerly occupied by CT International Sales comprising an area of approximately 85 ft x 60 ft located on the southwest side of the property as shown on the attached Exhibit A attached hereto and incorporated herein by this reference (the "Property"), and by the San Mateo County Environmental Health Services Division (the "Department"). Covenantor and the Department (collectively referred to as the "Parties") desire and intend that in order to protect the present and future public health and safety, the Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous substances which may have been deposited on the Property.

ARTICLE I STATEMENT OF FACTS

1.01 Description of Contamination. The Property was at one time occupied by the CT International Sales Company. Chemicals, including total petroleum

hydrocarbons, quantified in the diesel range and the motor oil range, have been detected in the soil in and under portions of the site. A closure report dated October 4, 2004, which particularly describes the condition of the soil at the subject, and the investigative methods employed to determine this condition, is attached hereto as Exhibit "B."

Remediation activities were completed at the site in accordance with the SMCEHD-approved work plan prepared by GEOLOGICA and dated February 10, 2004. Accessible soil impacted by TPH-diesel (TPH-d) and TPH-motor oil (TPH-mo) above San Francisco Bay Regional Water Quality Control Board (SFB RWQCB) Environmental Screening Levels (ESLs) for industrial sites were successfully removed from the site and disposed of offsite at an appropriate licensed landfill. Residual levels of TPH-d and TPH-mo above the SFRWQCB ESLs for residential sites remain in limited and isolated areas of the site as shown in the attached Exhibit A.

1.02 Health Effects. The risk of public exposure if any to the contaminants has been minimized by the removal of readily accessible soil containing petroleum hydrocarbons above the SFB RWQCB's industrial land use ESLs. The department has indicated its belief that if the contaminated soils should become disturbed by the construction of and occupation by residential facilities or daycare uses, exposure could take place through dermal contact, ingestion or inhalation of dusts and particulates from on-site soil and that such exposure in the form of dermal contact and ingestion of dusts and particulates from on-site soil could be detrimental to human health.

1.03 Surrounding Land Use. The Property is located in the City of Menlo Park.. It is located in an industrial area that consists predominantly of low-level buildings and landscaped areas.

1.04 Finding. Pursuant to California Civil Code Section 1471(c), the Department has determined that this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on the land of hazardous materials as defined in Health & Safety Code Section 25260.

ARTICLE II GENERAL PROVISIONS

2.01 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as "Restrictions"), upon and subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed for residential uses or daycare facilities. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Property, and shall apply to and bind the respective successors in interest of Covenantor. Each and all of the Restrictions are imposed upon the entire Property unless expressly stated as applicable to a specific portion of the Property. Each and all of the Restrictions are for the benefit of and enforceable by the Department and are imposed pursuant to, and run with the land pursuant to, Health and Safety Code Section 25222.1 and Civil Code Section 1471, and

are subject to the variance and removal procedures spelled out in paragraphs 5.01 and 5.02 of this Covenant.

2.02 Concurrence of Owners Presumed. All future purchasers, lessees, or possessors of any portion of the Property who acquire their interest from or through Covenantor shall be deemed by their purchase, leasing, or possession of such Property to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such heirs, successors, and assignees that their interest in the Property shall be subject to the Restrictions contained herein.

ARTICLE III DEFINITIONS

3.01 Department. "Department" shall mean the San Mateo County Environmental Health Services Division and shall include its successor agencies, if any.

3.02 Improvements. "Improvements" shall mean all buildings, roads, driveways, regrading, and paved parking areas, constructed or placed upon any portion of the Property.

3.03 Occupant(s). "Occupant(s)" shall mean those persons entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property.

3.04 Owner. "Owner" shall mean the Covenantor or its successors in interest, including heirs and assigns, who hold title to all or any portion of the ownership interest to all or any portion of the Property. A future lessee who subleases all or any portion of the Property is an "Owner" in its capacity as sublessor.

ARTICLE IV DEVELOPMENT, USE, AND CONVEYANCE OF THE PROPERTY

4.01 Restrictions on Development and Use. Covenantor promises to restrict the use of the Property as follows:

- a. No residential use or day-care use shall be permitted on the Property.
- b. No raising of food (cattle, food crops, cotton) shall be permitted on the Property
- c. No drilling for drinking water, oil or gas shall be permitted on the Property without prior authorization from the Department.

- d. No uses or development of the Property shall disturb the soil without the prior approval of the Department, which approval shall not be unreasonably withheld.
- e. No activities that will disturb the soil (e.g., excavation, grading, removal, trenching, filling, earth movement, or mining) shall be permitted without a Soil Management Plan and a Health and Safety Plan submitted to the Department for review and approval. Notwithstanding the foregoing, Covenantor may perform routine landscaping and maintenance of improvements thereon.

4.02 Access for the Department. The Department or its designated agents (including successor agencies) shall upon reasonable notice, no less than forty-eight (48) business hours, have access to the property for the purpose of inspection, surveillance, or monitoring, or other purpose necessary to protect public health or safety and the environment as provided in Chapters 6.5 and 6.8 of the California Health and Safety Code and Chapter 4 of Division 7 of the Water Code.

4.03 Enforcement. Failure of an Owner or an Occupant to comply with any of the restrictions set forth in Section 4.01 shall be grounds for the Department, by reason of the Covenant, to require that such Owner or Occupant modify or remove any improvements constructed in violation of Section 4.01 and to initiate such civil or criminal action as may, notwithstanding this covenant, be within the jurisdiction of the Department to initiate. Violation of the Covenant shall be grounds for the Department to file civil and criminal actions against the violating Owner(s) or Occupant(s) as provided by law. This Covenant shall not create any private right of action against Covenantor or any other Owner or Occupant of the Property or any portion thereof; nor shall this Covenant by its own terms create an obligation by Covenantor to police or enforce the performance of others hereunder.

4.04 Notice in Agreements. Any transferring Owner or Occupant shall execute a written instrument, which shall accompany the purchase, lease, sublease, rental agreements, or similar conveyance document(s) relating to the Property. The instrument shall contain the following statement: "The land described herein has been remedied in accordance with Chapter 6.8 of Division 20 of the Health and Safety Code. The San Mateo County Environmental Health Services Division has determined that the cleanup level accomplished by the remediation is protective of public health and the environment as long as the condition of the approved Remedial Action Plan for the Property, including the use restrictions imposed by the recorded Covenant and Agreement for Environmental Restrictions for the Property, a copy of which is attached hereto and incorporated herein by reference, are complied with. Because hazardous substances remain within the soil of the Property such conditions render the Property and the Owner(s), lessee(s), or other Occupant(s) of the Property subject to the applicable provisions of Chapters 6.5 and 6.8 of Division 20 of the Health and Safety Code. This statement is not a declaration that a hazard exists."

ARTICLE V VARIANCE AND TERMINATION

5.01 Variance. Any Owner(s) or, with the Owner's written consent, any Occupant of the Property or any portion thereof may apply to the Department for a written variance, based upon further environmental evaluation and/or remediation from the provisions of this Covenant. Such application shall be made in accordance with Health & Safety Code section 25233.

5.02 Termination. Any Owner(s) or, with the Owner's written consent, any Occupant of the Property or a portion thereof may apply to the Department for a termination of the Restrictions as they apply to all or any portion of the Property. Such application shall be made in accordance with Health & Safety Code section 25234.

5.03 Term. Unless modified or terminated in accordance with Sections 2.01, 5.01 or 5.02 above, by law or otherwise, this Covenant shall continue in effect in perpetuity. When this Covenant is terminated all terms and requirements herein, including Article IV, shall terminate.

ARTICLE VI MISCELLANEOUS

6.01 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Property or any portion thereof to the general public or for any purposes whatsoever.

6.02 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (1) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served or official of a government agency being served, or (2) three [3] business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

To "Covenantor"

Howard K. & Ann H. Bennett
dba Haven Enterprises
P. O. Box 2605
Menlo Park, CA 94026-2605

Attn: Howard K. & Ann H. Bennett

STATE OF California
COUNTY OF San Mateo

To "Department"

County of San Mateo Health Services Agency

Environmental Health Services Division

455 County Center, 4th Floor

Redwood City, CA 94063

6.03 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

6.04 Article Headings. Headings at the beginning of each numbered articles of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

6.05 Recordation. This instrument shall be executed by the Covenantor and the Department and shall be submitted for recording by the Covenantor to the County of San Mateo within ten (10) days of Covenantor's receipt of a fully executed and acknowledged original of this instrument.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

COUNTY OF SAN MATEO HEALTH SERVICES AGENCY

ENVIRONMENTAL HEALTH SERVICES DIVISION

Dated: 2/15/05

By:

Dean D. Peterson
<COVENANTOR>

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 16 DAY OF February 2005
BY [Signature]
NOTARY PUBLIC

Dated: 2-9-05

By: Howard K. Bennett

Howard K. Bennett

Dated: 2-9-05

By: Ann H. Bennett
Ann H. Bennett



[Signature]

STATE OF CALIFORNIA

} ss:

COUNTY OF SANTA CLARA

On February 9, 2005

, before me, LINDA THURSTON

, a Notary Public in and for said County and State, personally appeared

HOWARD K. BENNETT and ANN H. BENNETT, who are

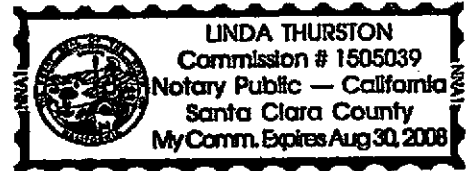
Personally known to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Linda Thurston
Linda Thurston, Notary Public

FOR NOTARY SEAL OR STAMP



<California All-Purpose Acknowledgment Form>



HEALTH DEPARTMENT

April 7, 2005

SMCo Site #449077
APN 055-170-210

George Lundberg
CT International Sales
3555 S El Camino Real #123
San Mateo, CA 94403-3415

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

**SUBJECT: CASE CLOSURE FOR PETROLEUM HYDROCARBON (s) REMOVED
AT 3645 HAVEN AVENUE, MENLO PARK, CALIFORNIA**

Dear Mr. Lundberg and Mr. And Mrs. Bennett:

This letter confirms the completion of site investigation and corrective action for the hazardous material(s) release to soil and groundwater at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former hazardous material(s) release are greatly appreciated.

Based on the information in the above referenced file, with the provision that the information provided to this agency was accurate and representative of site conditions, and understanding that a deed restriction against potential future residential land use has been recorded, this agency finds that the site investigation and corrective action carried out at your hazardous material site is in compliance with the requirements of San Mateo County corrective action regulations and that no further action related to the hazardous materials release(s) at the site is required.

Please contact our office if you have any questions regarding this matter.

Sincerely,

Dean D. Peterson, PE, REHS
Director, Environmental Health

cc: RWQCB
SWRCB

David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94105

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Adrienne Tissler • Health Director: Charlene Silva
455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882
<http://www.smhealth.org>

SAN MATEO COUNTY CASE CLOSURE SUMMARY VOLUNTARY SITE REMEDIATION PROGRAM

I. AGENCY INFORMATION

455 County Center, Redwood City, CA 94063

County Project Manager: Charles Ice

Title: Haz-Mat Specialist

Telephone Number: 650-363-4565

II. CASE INFORMATION

Site Name: *CT International Sales*

Site Address: *3645 Haven Avenue, Menlo Park*

LUSTIS Case #: <i>N/A</i>	Local Case #: <i>449077</i>	RWBCB case #: <i>NA</i>
Record ID #: <i>1947</i>	URF Filing Date: <i>NA</i>	APN: <i>055-170-210</i>

Responsible Party Information

<i>Name</i>	<i>Address</i>	<i>Phone #</i>
George Lundberg CT International Sales	3555 S El Camino Real #123 San Mateo CA 94403-3415	
Howard and Ann Bennett Haven Enterprises	PO Box 2605 Menlo Park, CA 94026-2605	

Tank Information

<i>Tank #</i>	<i>Size in Gallons</i>	<i>Contents</i>	<i>Removed</i>	<i>Date</i>

III. RELEASE AND SITE CHARACTERIZATION INFORMATION

Cause and Type of Release: *Poor handling of hazardous materials*

Site Characterization Complete? *Yes*

Date Approved by Oversight Agency: *November 2004*

Number of Monitoring wells Installed: *4*

Proper screened interval? *4-14-feet bgs*

Highest GW depth BGS: *2-feet*

Flow Direction: *northeast*

Most sensitive GW use: *potential agricultural/ municipal as specified in Basin Plan*

Are Drinking Water affected? *No* Aquifer Name:

Is Surface Water Affected? *No* Nearest/Affected SW:

Off-Site Beneficial use Impacts (Location): *None*

Report(s) on File? *Yes*

Where is it filed? *SMCo*

Treatment and Disposal of Affected Material

<i>Material</i>	<i>Amount (Include units)</i>	<i>Treatment or disposal</i>	<i>Date</i>
Soil	116 tons	Off-site disposal	March 2003 and July 2004

Maximum Documented Contaminant Concentrations - Before and After Cleanup

<i>Contaminant</i>	<i>SOIL (PPM)</i>		<i>GROUNDWATER (PPM)</i>	
	<i>Before</i>	<i>After</i>	<i>Before</i>	<i>After</i>
TPH as gasoline	60	<1	600	110
TPH as diesel	3,000	1,900	8,200	110
TPH as motor	3,600	3,600	7,000	<470
Benzene	<0.001	NA	<1	<1
Toluene	<0.001	NA	<1	<1
Ethylbenzene	0.012	NA	<1	<1
Xylenes	0.273	NA	<1	<1
MtBE	<0.001	NA	55	91

NA Not analyzed

IV. CLOSURE

Does completed corrective action protect existing beneficial uses per the Regional Board Basin Plan? <i>Yes</i>
Does completed corrective action protect potential beneficial uses per the Regional Board Basin Plan? <i>Yes</i>
Does corrective action protect public health for current land use? <i>Yes</i>
Site Management Requirements: <i>Yes, see comments below</i>
Should corrective action be reviewed if land use changes? <i>No</i>
Monitoring Wells to be Decommissioned? <i>4</i> Number Decommissioned: <i>4</i> Number Retained:
List Enforcement Actions Taken: <i>None</i>
List Enforcement Action Rescinded: <i>None</i>

V. RWQCB Notification

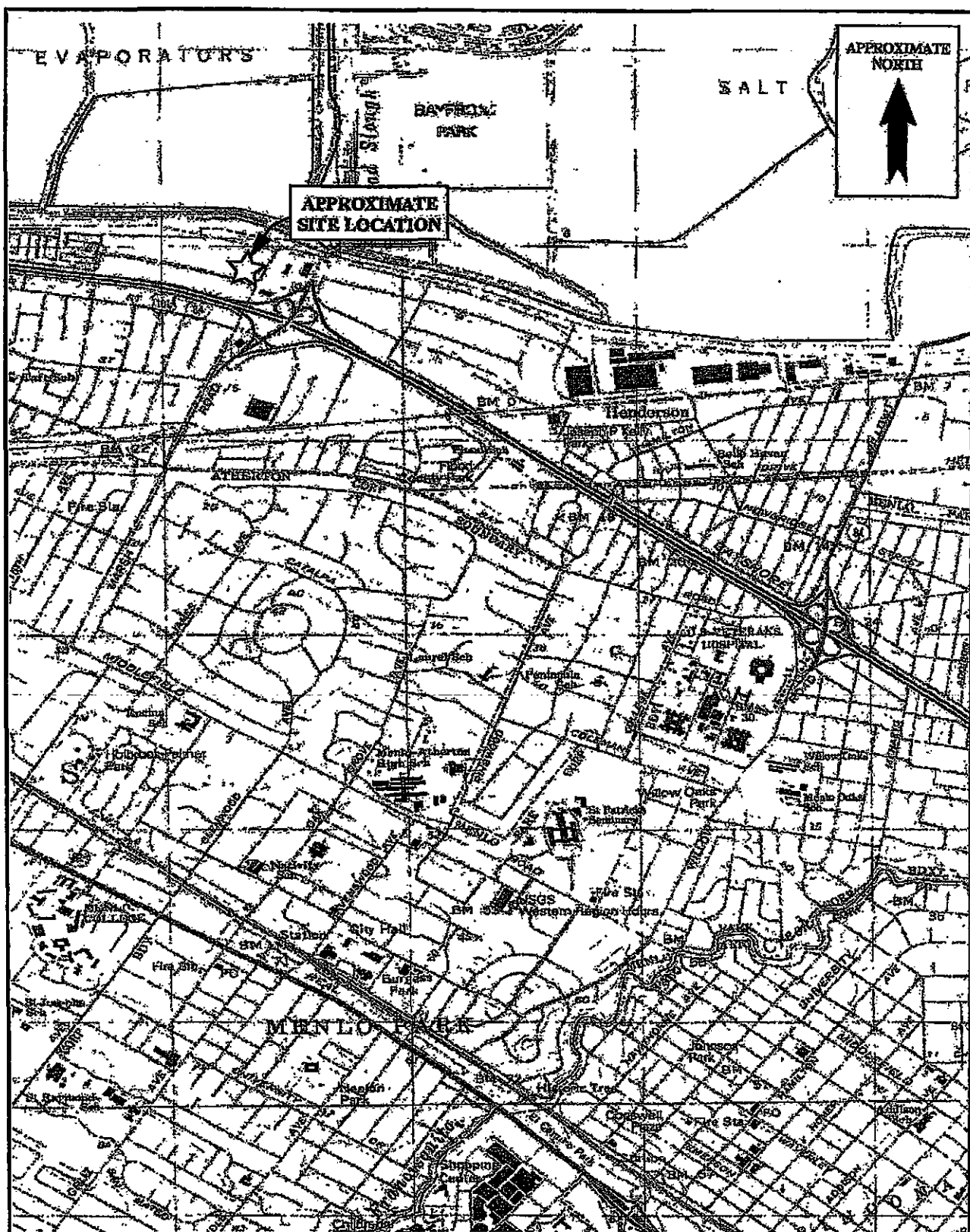
<i>Date Submitted to RWQCB:</i>	<i>RB Response:</i>
<i>RB Staff:</i> Nancy Katyl	<i>Title:</i> Water Resource Control Engineer

Comments:

Impacted groundwater and soil remains in the subsurface at the site. City of Menlo Park Building Department has been notified that should excavation or development of the property be proposed that may encounter impacted soil or groundwater, San Mateo County Environmental Health Division must be notified as required by Government Code Section 65850.2.2.


Dean B. Peterson, Director, Environmental Health

4/13/05
Date



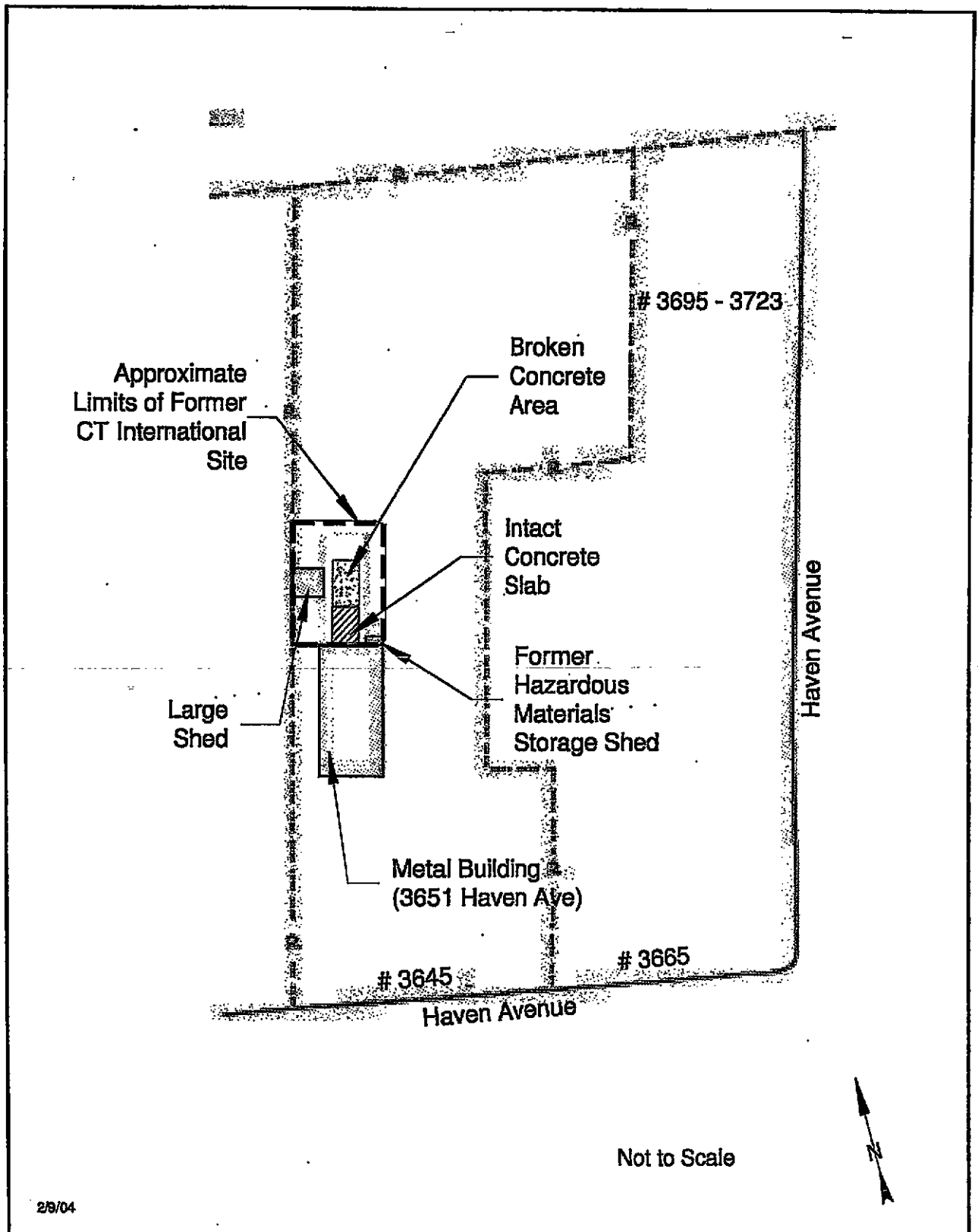
geologica

594 Howard St, Suite 400
San Francisco, CA 94105

Former CT International Site
3645 Haven Avenue
Menlo Park, CA

Figure 1

Site Location Map



geologica	Former CT International Site	Figure 2
594 Howard St, Suite 400 San Francisco, CA 94105	3645 Haven Avenue Menlo Park, CA	Parcel Location Map



HEALTH DEPARTMENT

April 7, 2005

SMCo Site #449077

APN 055-170-210

Arlinda Heineck
Chief Planner
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

**SUBJECT: RESIDUAL HYDROCARBONS AT 3645 HAVEN AVENUE
MENLO PARK, CALIFORNIA**

Dear Ms. Heineck:

The attached case closure letter was prepared by the San Mateo County Groundwater Protection Program (GPP) with the tacit approval of the California Regional Water Quality Control Board (CRWQCB). Although site closure was granted, a small amount of diesel-affected soil and groundwater may exist near the concrete slab (see attached Figure). Although these hydrocarbons do not appear to pose a risk to public health and the environment under existing land use conditions, changes in land use or removal of soil and groundwater from the affected area may create a risk. A deed restriction was attached to the title of the property restricting the land use to commercial or industrial only. Therefore, any proposed change in land use or proposed soil or groundwater removal activity at or in close proximity to the subject site must be submitted to the GPP for our review so we can evaluate whether the residual contaminants will likely pose a risk to public health and the environment if the proposed activities are implemented. The costs to evaluate the public health or environmental consequences of the proposed land use or construction activity will be billed directly to the current property owner at the time of submittal for review.

Please call me at (650) 363-4565 if you have any questions. Thank you for your cooperation.

Sincerely,

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

attachment

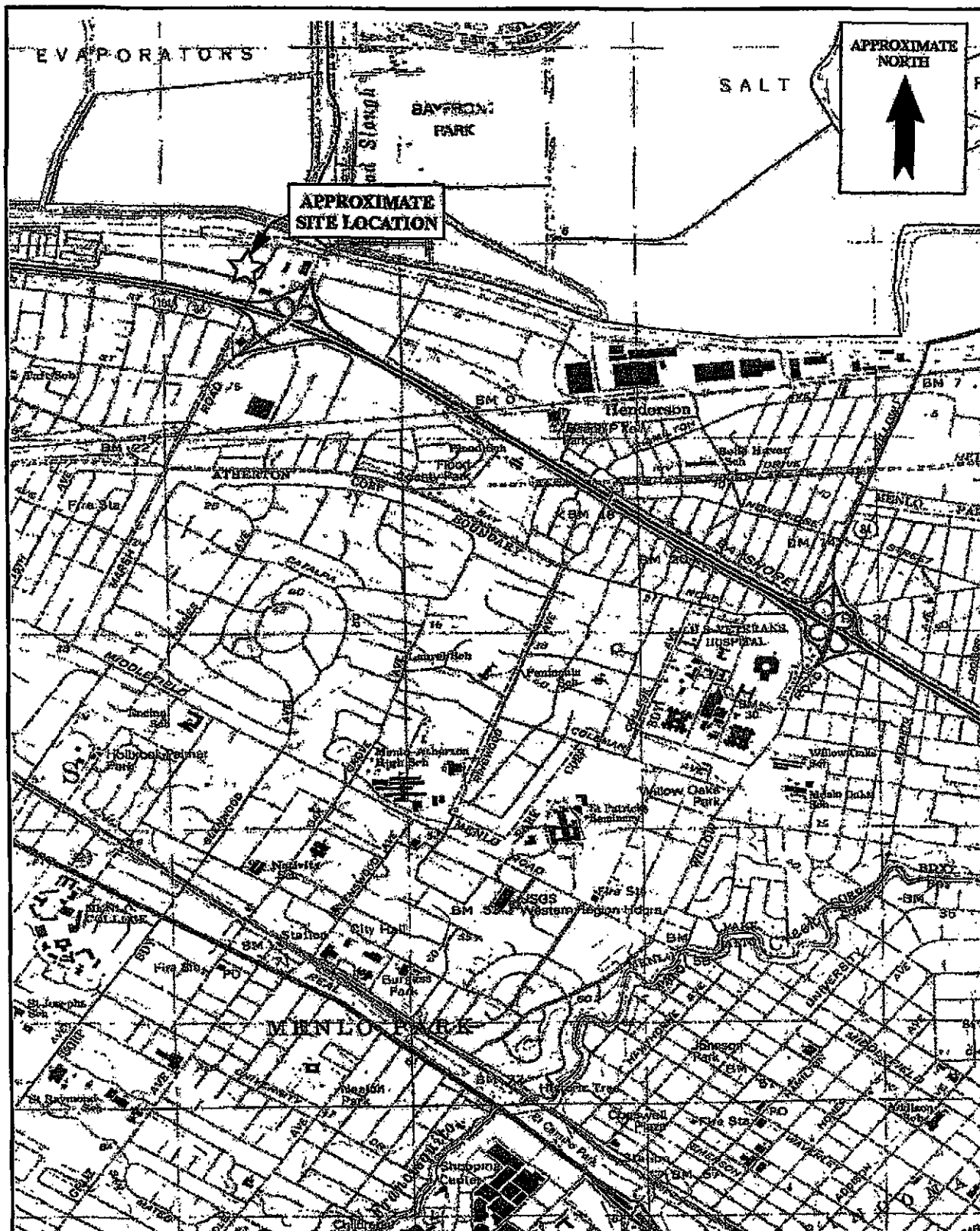
cc: George Lundberg, CT International Sales, 3555 S El Camino Real #123, San Mateo, CA 94403-3415
Howard and Ann Bennett, Haven Enterprises, PO Box 2605, Menlo Park CA 94026-2605
David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94105

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Adrienne Tissier • Health Director: Charlene Silva

455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882

<http://www.smhealth.org>



geologica

594 Howard St, Suite 400
San Francisco, CA 94105

Former CT International Site
3645 Haven Avenue
Menlo Park, CA

Figure 1

Site Location Map

Approximate
Limits of Former
CT International
Site

Broken
Concrete
Area

Intact
Concrete
Slab

Former
Hazardous
Materials
Storage Shed

Large
Shed

Metal Building
(3651 Haven Ave)

3695 - 3723

Haven Avenue

3645

3665

Haven Avenue

Not to Scale



2/9/04

geologica

594 Howard St, Suite 400
San Francisco, CA 94105

Former CT International Site
3645 Haven Avenue
Menlo Park, CA

Figure 2

Parcel Location Map



HAVEN ENTERPRISES

BUSINESS AND RECREATIONAL VEHICLE STORAGE

SAN MATEO COUNTY
ENVIRONMENTAL HEALTH
MAY 4 2005
RECEIVED

April 29, 2005

SAN MATEO COUNTY HEALTH DEPARTMENT

455 County Center, 2nd Floor
Redwood City, CA 94063

ATTENTION: CHARLES ICE, Hazardous Materials Specialist
SUBJECT: 3645 Haven Avenue, Menlo Park, California (Site #449077)

Dear Mr. Ice:

Enclosed you will find Haven's check #1464 for fees outlined in your letter dated 04/19/2005. However, our records show that all fees have been paid for 2004 on Haven check #1419@ \$1,100.00 on 02/07/05 (see SMCH Invoice #IN116361, 11/04/04-12/09/04 enclosed).

Therefore, Haven's check #1464@ \$360.00 enclosed is being paid on account for 2005 through the 2nd quarter of March 2005. Should this not be correct, please advise Haven accordingly.

Haven looks forward to receiving its closure letter.

Sincerely,

HAVEN ENTERPRISES

Ann H. Bennett

Cc: D. Klimberg, Geologica
Encl. (3)



HEALTH DEPARTMENT

SAN MATEO COUNTY
ENVIRONMENTAL HEALTH

COPY

MAY 4 2005

RECEIVED

SMCo Site #449077
APN 055-170-210

April 19, 2005

George Lundberg
CT International Sales
3555 S El Camino Real #123
San Mateo, CA 94403-3415

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

SUBJECT: 3645 HAVEN AVENUE, MENLO PARK, CALIFORNIA

Dear Mr. Lundberg and Mr. and Mrs. Bennett:

Thank you for the Covenant to Restrict Use of Property (deed restriction) for the above referenced site. You have completed all requests from San Mateo County Health Department Groundwater Protection Program (GPP) staff regarding the above referenced property. In order to receive the case closure letter, GPP needs to have all of the invoices paid. You will soon be receiving the 1st quarter 2004 invoice which includes only one hour of time billed to the project. An additional three hours of time was billed to the project in the 2nd quarter 2004. You may chose to pay the total amount off for both quarters at any time and receive your closure letter or you can pay off the 1st quarter 2004 invoice when you receive it and wait to get the official invoice for the 2nd quarter 2004, which will likely be at the end of June, prior to paying it and receiving your closure letter.

I appreciate your cooperation. Should you have any questions, please call me at (650) 363-4565.

Sincerely,

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

cc: David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94105



PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Adrienne Tissler • Health Director: Charlene Silva

455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882

COPY

FACILITY NAME, ADDRESS AND FEE DESCRIPTION	INVOICE DATE	INVOICE NUMBER	UNITS	AMOUNTS
	2/1/2005	116361		
2599 449077-3645 Haven Ave, Menlo Park 12/9/04-RPT REV / .5HRS / G SMITH				50.00
2599 449077-3645 Haven Ave, Menlo Park 11/5/04-RPT REV / 5.5HRS / C ICE				550.00
2599 449077-3645 Haven Ave, Menlo Park 12/3/04-RPT REV / 3HRS / G SMITH				300.00
2599 449077-3645 Haven Ave, Menlo Park 12/7/04-RPT REV / .5HRS / G SMITH				50.00
2599 449077-3645 Haven Ave, Menlo Park 11/4/04-RPT REV / 1.5HRS / C ICE				150.00
Amount Due for this Invoice:				\$1,100.00

STATEMENT DATE: 2/1/2005
BALANCES
PENALTY INFORMATION:

Current Charges: \$1,100.00

Payment is due upon receipt.

Previous Balance: \$0.00

A 25% penalty will be assessed on all unpaid charges, 30 days after the invoice date.

Your account maybe referred to Revenue Services for collection of unpaid charges, 60 days after the invoice date.

Payments: \$0.00

A 1.5% monthly finance charge will be assessed on all unpaid charges, 90 days after the invoice date.

Amount Due: \$1,100.00

 Please visit our website at <http://www.smhealth.org/enviro> for more information.

For Customer Service, write: San Mateo County Environmental Health, 455 County Center, 4th Floor, Redwood City, CA 94063-1663

Or call: Food (650) 363-1918 • HazMat (650) 363-1919 • Apartment (650) 363-1921 • General (650) 363-4305 • FAX (650) 599-7434

724 1447

HAVEN ENTERPRISES
P.O. BOX 2605
MENLO PARK, CA 94026-2605
(650) 365-2671

COPY

BANK OF THE WEST
LOS ALTOS, CA 94022
90-76

1419

2/7/2005

PAY TO THE ORDER OF Environmental Health Fee

\$1,100.00

One Thousand One Hundred Only

DOLLARS

San Mateo County Environmental Hth
455 County Center, 4th Floor
Redwood City, CA 94063-1663

VOID AFTER 90 DAYS

MEMO Invoice #IN116361 (11/4/04-12/8/04) 449077-Haven Ent.

Ann L. Bennett

001419 1211007820 009000489

HAVEN ENTERPRISES

Environmental Health Fee	2/7/2005	1419
Environmental Clean Up	12/9/04, Rpt Rev .5 hrs G Smit	50.00
Environmental Clean Up	11/5/04, Rpt Rev 5.5 hrs C Ice	550.00
Environmental Clean Up	12/3/04, Rpt Rev 3 hrs G Smith	300.00
Environmental Clean Up	12/7/04, Rpt Rev .5 hrs G Smit	50.00
Environmental Clean Up	11/4/04, Rpt Rev 1.5 hrs C Ice	150.00

HAVEN ENTERPRISES Invoice #IN116361 (11/4/04-12/8/04) 449077-Haven

1,100.00

HAVEN ENTERPRISES

Environmental Health Fee	2/7/2005	1419
Environmental Clean Up	12/9/04, Rpt Rev .5 hrs G Smit	50.00
Environmental Clean Up	11/5/04, Rpt Rev 5.5 hrs C Ice	550.00
Environmental Clean Up	12/3/04, Rpt Rev 3 hrs G Smith	300.00
Environmental Clean Up	12/7/04, Rpt Rev .5 hrs G Smit	50.00
Environmental Clean Up	11/4/04, Rpt Rev 1.5 hrs C Ice	150.00

HAVEN ENTERPRISES Invoice #IN116361 (11/4/04-12/8/04) 449077-Haven

1,100.00

HAVEN ENTERPRISES
P.O. BOX 2605
MENLO PARK, CA 94028-2605
(650) 365-2571

BANK OF THE WEST
LOS ALTOS, CA 94022
90-78/1211

1464

4/29/2005

PAY TO THE ORDER OF Environmental Health Fee

\$**360.00

Three Hundred Sixty Only

DOLLARS

San Mateo County Environmental Hlth
455 County Center, 4th Floor
Redwood City, CA 94063-1663

VOID AFTER 90 DAYS

Ann L. Bennett

MEMO Paid on Acct SM County Site #449077 (C. lce ltr 4/19/05)

⑈001464⑈ ⑆121100782⑆ 009000489⑈

A/R 36432

ok red
create charge
post



HEALTH DEPARTMENT

April 19, 2005

SMCo Site #449077
APN 055-170-210

George Lundberg
CT International Sales
3555 S El Camino Real #123
San Mateo, CA 94403-3415

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

SUBJECT: 3645 HAVEN AVENUE, MENLO PARK, CALIFORNIA

Dear Mr. Lundberg and Mr. and Mrs. Bennett:

Thank you for the Covenant to Restrict Use of Property (deed restriction) for the above referenced site. You have completed all requests from San Mateo County Health Department Groundwater Protection Program (GPP) staff regarding the above referenced property. In order to receive the case closure letter, GPP needs to have all of the invoices paid. You will soon be receiving the 1st quarter 2004 invoice which includes only one hour of time billed to the project. An additional three hours of time was billed to the project in the 2nd quarter 2004. You may chose to pay the total amount off for both quarters at any time and receive your closure letter or you can pay off the 1st quarter 2004 invoice when you receive it and wait to get the official invoice for the 2nd quarter 2004, which will likely be at the end of June, prior to paying it and receiving your closure letter.

I appreciate your cooperation. Should you have any questions, please call me at (650) 363-4565.

Sincerely,

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

cc: David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94105

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Adrienne Tissler • Health Director: Charlene Silva
455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882
<http://www.smhealth.org>

**SAN MATEO COUNTY
ASSESSOR-COUNTY CLERK-RECORDER
WARREN SLOCUM**

COPY

**55 COUNTY CENTER
REDWOOD CITY, CA 94063**

Finalization 2005017837
03/14/2005 11:45am
112 018

SAN MATEO COUNTY
ENVIRONMENTAL AGENCY
MAR 21 2005
RECEIVED

Item Title

DR	
Declaration Coven, Cond & Restr	
Document ID	Amount
XOC# 2005-039527	37.00
Time Recorded 11:45 am	

Total	37.00
-------	-------

Payment Type	Amount
Check tendered	37.00
# 1439	
Amount Due	0.00

**THANK YOU
PLEASE RETAIN THIS RECEIPT
FOR YOUR RECORDS**



HEALTH DEPARTMENT

SAN MATEO COUNTY
ENVIRONMENTAL HEALTH

FEB 15 2005

RECEIVED

COPY

February 3, 2005

SMCo Site #449077
APN 055-170-210

George Lundberg
CT International Sales
3555 S El Camino Real #123
San Mateo, CA 94403-3415

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

SUBJECT: 3645 HAVEN AVENUE, MENLO PARK, CALIFORNIA

Dear Mr. Lundberg and Mr. and Mrs. Bennett:

Thank you for the draft Covenant to Restrict Use of Property (deed restriction) for the above referenced site. The draft deed restriction is accepted as presented pending review of Exhibit A. Please sign the deed restriction in the presence of a notary public and attach the California All-Purpose Acknowledgment form from the notary public. The Director of Environmental Health will then sign the deed restriction and attach another California All-Purpose Acknowledgment form. Once you receive the signed deed restriction back, then formally submit it to the San Mateo County's Assessor's office. Finally, submit a copy of the deed restriction along with some form of acknowledgment from the Assessor's office of its implementation to San Mateo County Health Department Groundwater Protection Program (GPP) to be included in the file.

Once the deed restriction has been official attached to the property and GPP staff receives confirmation of this, then a case closure letter will be issued by GPP once all invoices for GPP staff's time on this site have been paid up to date. GPP staff will also be issuing another letter at that time to the City of Menlo Park's Planning Department requesting notification of any future redevelopment plans submitted for this assessor's parcel due to the residual petroleum hydrocarbons under the permanent structures at the site. If the future redevelopment of the site may come in contact with the residual contamination, then GPP would require a soils management plan be submitted for review by the property owner at that time and approval by GPP prior to the overall development of the site receiving approval from the City of Menlo Park.

I appreciate your cooperation. Should you have any questions, please call me at (650) 363-4565.

Sincerely,

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program



cc: David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94103

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Adrienne Tissler • Health Director: Charlene Silva
455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882

FEB 15 2005

RECEIVED

Recording Requested by:

**County of San Mateo Health Services Agency
Environmental Health Services Division**

When Recorded, Mail to:

County of San Mateo Health Services Agency

455 County Center, 4th Floor

Redwood City, CA 94063

Attn: Environmental Health Services Div.

COVENANT TO RESTRICT USE OF PROPERTY

[ENVIRONMENTAL RESTRICTION]

Former CT International Site

3645 Haven Avenue

Menlo Park, California

Site APN: #055-170-210

The Covenant and Agreement ("Covenant") is made on the 10th day of December 2004 by Howard K. & Ann H. Bennett dba Haven Enterprises, ("Covenantor"), which is the owner of record of that certain property situated at 3645 Haven Avenue in Menlo Park, County of San Mateo, State of California. For the purposes of this Covenant, the portion of the property formerly occupied by CT International Sales comprising an area of approximately 85 ft x 60 ft located on the southwest side of the property as shown on the attached Exhibit A attached hereto and incorporated herein by this reference (the "Property"), and by the San Mateo County Environmental Health Services Division (the "Department"). Covenantor and the Department (collectively referred to as the "Parties") desire and intend that in order to protect the present and future public health and safety, the Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous substances which may have been deposited on the Property.

**ARTICLE I
STATEMENT OF FACTS**

1.01 Description of Contamination. The Property was at one time occupied by the CT International Sales Company. Chemicals, including total petroleum

hydrocarbons, quantified in the diesel range and the motor oil range, have been detected in the soil in and under portions of the site. A closure report dated October 4, 2004, which particularly describes the condition of the soil at the subject, and the investigative methods employed to determine this condition, is attached hereto as Exhibit "B."

Remediation activities were completed at the site in accordance with the SMCEHD-approved work plan prepared by GEOLOGICA and dated February 10, 2004. Accessible soil impacted by TPH-diesel (TPH-d) and TPH-motor oil (TPH-mo) above San Francisco Bay Regional Water Quality Control Board (SFB RWQCB) Environmental Screening Levels (ESLs) for industrial sites were successfully removed from the site and disposed of offsite at an appropriate licensed landfill. Residual levels of TPH-d and TPH-mo above the SFRWQCB ESLs for residential sites remain in limited and isolated areas of the site as shown in the attached Exhibit A.

1.02 Health Effects. The risk of public exposure if any to the contaminants has been minimized by the removal of readily accessible soil containing petroleum hydrocarbons above the SFB RWQCB's industrial land use ESLs. The department has indicated its belief that if the contaminated soils should become disturbed by the construction of and occupation by residential facilities or daycare uses, exposure could take place through dermal contact, ingestion or inhalation of dusts and particulates from on-site soil and that such exposure in the form of dermal contact and ingestion of dusts and particulates from on-site soil could be detrimental to human health.

1.03 Surrounding Land Use. The Property is located in the City of Menlo Park.. It is located in an industrial area that consists predominantly of low-level buildings and landscaped areas.

1.04 Finding. Pursuant to California Civil Code Section 1471(c), the Department has determined that this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on the land of hazardous materials as defined in Health & Safety Code Section 25260.

ARTICLE II GENERAL PROVISIONS

2.01 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as "Restrictions"), upon and subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed for residential uses or daycare facilities. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Property, and shall apply to and bind the respective successors in interest of Covenantor. Each and all of the Restrictions are imposed upon the entire Property unless expressly stated as applicable to a specific portion of the Property. Each and all of the Restrictions are for the benefit of and enforceable by the Department and are imposed pursuant to, and run with the land pursuant to, Health and Safety Code Section 25222.1 and Civil Code Section 1471, and

are subject to the variance and removal procedures spelled out in paragraphs 5.01 and 5.02 of this Covenant.

2.02 Concurrence of Owners Presumed. All future purchasers, lessees, or possessors of any portion of the Property who acquire their interest from or through Covenantor shall be deemed by their purchase, leasing, or possession of such Property to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such heirs, successors, and assignees that their interest in the Property shall be subject to the Restrictions contained herein.

ARTICLE III DEFINITIONS

3.01 Department. "Department" shall mean the San Mateo County Environmental Health Services Division and shall include its successor agencies, if any.

3.02 Improvements. "Improvements" shall mean all buildings, roads, driveways, regrading, and paved parking areas, constructed or placed upon any portion of the Property.

3.03 Occupant(s). "Occupant(s)" shall mean those persons entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property.

3.04 Owner. "Owner" shall mean the Covenantor or its successors in interest, including heirs and assigns, who hold title to all or any portion of the ownership interest to all or any portion of the Property. A future lessee who subleases all or any portion of the Property is an "Owner" in its capacity as sublessor.

ARTICLE IV DEVELOPMENT, USE, AND CONVEYANCE OF THE PROPERTY

4.01 Restrictions on Development and Use. Covenantor promises to restrict the use of the Property as follows:

- a. No residential use or day-care use shall be permitted on the Property.
- b. No raising of food (cattle, food crops, cotton) shall be permitted on the Property
- c. No drilling for drinking water, oil or gas shall be permitted on the Property without prior authorization from the Department.

- d. No uses or development of the Property shall disturb the soil without the prior approval of the Department, which approval shall not be unreasonably withheld.
- e. No activities that will disturb the soil (e.g., excavation, grading, removal, trenching, filling, earth movement, or mining) shall be permitted without a Soil Management Plan and a Health and Safety Plan submitted to the Department for review and approval. Notwithstanding the foregoing, Covenantor may perform routine landscaping and maintenance of improvements thereon.

4.02 Access for the Department. The Department or its designated agents (including successor agencies) shall upon reasonable notice, no less than forty-eight (48) business hours, have access to the property for the purpose of inspection, surveillance, or monitoring, or other purpose necessary to protect public health or safety and the environment as provided in Chapters 6.5 and 6.8 of the California Health and Safety Code and Chapter 4 of Division 7 of the Water Code.

4.03 Enforcement. Failure of an Owner or an Occupant to comply with any of the restrictions set forth in Section 4.01 shall be grounds for the Department, by reason of the Covenant, to require that such Owner or Occupant modify or remove any improvements constructed in violation of Section 4.01 and to initiate such civil or criminal action as may, notwithstanding this covenant, be within the jurisdiction of the Department to initiate. Violation of the Covenant shall be grounds for the Department to file civil and criminal actions against the violating Owner(s) or Occupant(s) as provided by law. This Covenant shall not create any private right of action against Covenantor or any other Owner or Occupant of the Property or any portion thereof; nor shall this Covenant by its own terms create an obligation by Covenantor to police or enforce the performance of others hereunder.

4.04 Notice in Agreements. Any transferring Owner or Occupant shall execute a written instrument, which shall accompany the purchase, lease, sublease, rental agreements, or similar conveyance document(s) relating to the Property. The instrument shall contain the following statement: "The land described herein has been remedied in accordance with Chapter 6.8 of Division 20 of the Health and Safety Code. The San Mateo County Environmental Health Services Division has determined that the cleanup level accomplished by the remediation is protective of public health and the environment as long as the condition of the approved Remedial Action Plan for the Property, including the use restrictions imposed by the recorded Covenant and Agreement for Environmental Restrictions for the Property, a copy of which is attached hereto and incorporated herein by reference, are complied with. Because hazardous substances remain within the soil of the Property such conditions render the Property and the Owner(s), lessee(s), or other Occupant(s) of the Property subject to the applicable provisions of Chapters 6.5 and 6.8 of Division 20 of the Health and Safety Code. This statement is not a declaration that a hazard exists."

ARTICLE V VARIANCE AND TERMINATION

5.01 Variance. Any Owner(s) or, with the Owner's written consent, any Occupant of the Property or any portion thereof may apply to the Department for a written variance, based upon further environmental evaluation and/or remediation from the provisions of this Covenant. Such application shall be made in accordance with Health & Safety Code section 25233.

5.02 Termination. Any Owner(s) or, with the Owner's written consent, any Occupant of the Property or a portion thereof may apply to the Department for a termination of the Restrictions as they apply to all or any portion of the Property. Such application shall be made in accordance with Health & Safety Code section 25234.

5.03 Term. Unless modified or terminated in accordance with Sections 2.01, 5.01 or 5.02 above, by law or otherwise, this Covenant shall continue in effect in perpetuity. When this Covenant is terminated all terms and requirements herein, including Article IV, shall terminate.

ARTICLE VI MISCELLANEOUS

6.01 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Property or any portion thereof to the general public or for any purposes whatsoever.

6.02 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (1) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served or official of a government agency being served, or (2) three [3] business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

To "Covenantor"

Howard K. & Ann H. Bennett
dba Haven Enterprises
P. O. Box 2605
Menlo Park, CA 94026-2605

Attn: Howard K. & Ann H. Bennett

To "Department"

County of San Mateo Health Services Agency

Environmental Health Services Division

455 County Center, 4th Floor

Redwood City, CA 94063

6.03 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

6.04 Article Headings. Headings at the beginning of each numbered articles of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

6.05 Recordation. This instrument shall be executed by the Covenantor and the Department and shall be submitted for recording by the Covenantor to the County of San Mateo within ten (10) days of Covenantor's receipt of a fully executed and acknowledged original of this instrument.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

COUNTY OF SAN MATEO HEALTH SERVICES AGENCY

ENVIRONMENTAL HEALTH SERVICES DIVISION

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 16 DAY OF February 2005

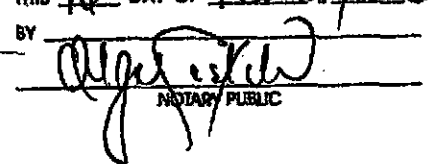
Dated: 2/15/05

By:



Dean D. Peterson
<COVENANTOR>

BY


NOTARY PUBLIC

Dated: 2-9-05

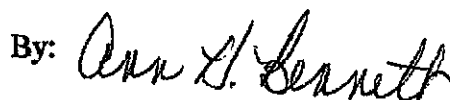
By:



Howard K. Bennett

Dated: 2-9-05

By:



Ann H. Bennett

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

} ss:

On February 9, 2005, before me, LINDA THURSTON

, a Notary Public in and for said County and State, personally appeared

HOWARD K. BENNETT and ANN H. BENNETT, who are

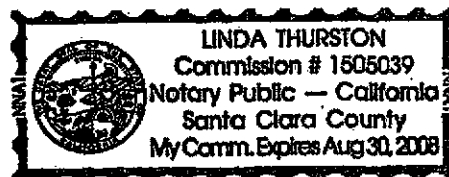
Personally known to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity(ies), and that by *his/her/their signature(s) on the instrument the person(s), or the entity* upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Linda Thurston
Linda Thurston, Notary Public

FOR NOTARY SEAL OR STAMP



<California All-Purpose Acknowledgment Form>



HEALTH DEPARTMENT

February 3, 2005

SMCo Site #449077
APN 055-170-210

George Lundberg
CT International Sales
3555 S El Camino Real #123
San Mateo, CA 94403-3415

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

SUBJECT: 3645 HAVEN AVENUE, MENLO PARK, CALIFORNIA

Dear Mr. Lundberg and Mr. and Mrs. Bennett:

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I appreciate your cooperation. Should you have any questions, please call me at (650) 363-4565.

Sincerely,

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

cc: David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94105

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Adrienne Tissier • Health Director: Charlene Silva

455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882

<http://www.smhealth.org>

HOWARD AND ANN BENNETT

Mr. Ice,

I believe you
already have
Geologica's report
& are waiting on
this...

Ann B.

Recording Requested by:

**County of San Mateo Health Services Agency
Environmental Health Services Division**

When Recorded, Mail to:

DRAFT

SAN MATEO COUNTY
ENVIRONMENTAL HEALTH
JAN 31 2005
RECEIVED

County of San Mateo Health Services Agency

455 County Center, 4th Floor

Redwood City, CA 94063

Attn: Environmental Health Services Div.

COVENANT TO RESTRICT USE OF PROPERTY

[ENVIRONMENTAL RESTRICTION]

Former CT International Site

3645 Haven Avenue

Menlo Park, California

Site APN: #055-170-210

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need to see
Exhibit A

ARTICLE I STATEMENT OF FACTS

1.01 Description of Contamination. The Property was at one time occupied by the CT International Sales Company. Chemicals, including total petroleum

hydrocarbons, quantified in the diesel range and the motor oil range, have been detected in the soil in and under portions of the site. A closure report dated October 4, 2004, which particularly describes the condition of the soil at the subject, and the investigative methods employed to determine this condition, is attached hereto as Exhibit "B."

Remediation activities were completed at the site in accordance with the SMCEHD-approved work plan prepared by GEOLOGICA and dated February 10, 2004. Accessible soil impacted by TPH-diesel (TPH-d) and TPH-motor oil (TPH-mo) above San Francisco Bay Regional Water Quality Control Board (SFB RWQCB) Environmental Screening Levels (ESLs) for industrial sites were successfully removed from the site and disposed of offsite at an appropriate licensed landfill. Residual levels of TPH-d and TPH-mo above the SFRWQCB ESLs for residential sites remain in limited and isolated areas of the site as shown in the attached Exhibit A.

1.02 Health Effects. The risk of public exposure if any to the contaminants has been minimized by the removal of readily accessible soil containing petroleum hydrocarbons above the SFB RWQCB's industrial land use ESLs. The department has indicated its belief that if the contaminated soils should become disturbed by the construction of and occupation by residential facilities or daycare uses, exposure could take place through dermal contact, ingestion or inhalation of dusts and particulates from on-site soil and that such exposure in the form of dermal contact and ingestion of dusts and particulates from on-site soil could be detrimental to human health.

1.03 Surrounding Land Use. The Property is located in the City of Menlo Park.. It is located in an industrial area that consists predominantly of low-level buildings and landscaped areas.

1.04 Finding. Pursuant to California Civil Code Section 1471(c), the Department has determined that this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on the land of hazardous materials as defined in Health & Safety Code Section 25260.

ARTICLE II GENERAL PROVISIONS

2.01 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as "Restrictions"), upon and subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed for residential uses or daycare facilities. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Property, and shall apply to and bind the respective successors in interest of Covenantor. Each and all of the Restrictions are imposed upon the entire Property unless expressly stated as applicable to a specific portion of the Property. Each and all of the Restrictions are for the benefit of and enforceable by the Department and are imposed pursuant to, and run with the land pursuant to, Health and Safety Code Section 25222.1 and Civil Code Section 1471, and

are subject to the variance and removal procedures spelled out in paragraphs 5.01 and 5.02 of this Covenant.

2.02 Concurrence of Owners Presumed. All future purchasers, lessees, or possessors of any portion of the Property who acquire their interest from or through Covenantor shall be deemed by their purchase, leasing, or possession of such Property to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such heirs, successors, and assignees that their interest in the Property shall be subject to the Restrictions contained herein.

ARTICLE III DEFINITIONS

3.01 Department. "Department" shall mean the San Mateo County Environmental Health Services Division and shall include its successor agencies, if any.

3.02 Improvements. "Improvements" shall mean all buildings, roads, driveways, regrading, and paved parking areas, constructed or placed upon any portion of the Property.

3.03 Occupant(s). "Occupant(s)" shall mean those persons entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property.

3.04 Owner. "Owner" shall mean the Covenantor or its successors in interest, including heirs and assigns, who hold title to all or any portion of the ownership interest to all or any portion of the Property. A future lessee who subleases all or any portion of the Property is an "Owner" in its capacity as sublessor.

ARTICLE IV DEVELOPMENT, USE, AND CONVEYANCE OF THE PROPERTY

4.01 Restrictions on Development and Use. Covenantor promises to restrict the use of the Property as follows:

- a. No residential use or day-care use shall be permitted on the Property.
- b. No raising of food (cattle, food crops, cotton) shall be permitted on the Property
- c. No drilling for drinking water, oil or gas shall be permitted on the Property without prior authorization from the Department.

- d. No uses or development of the Property shall disturb the soil without the prior approval of the Department, which approval shall not be unreasonably withheld.
- e. No activities that will disturb the soil (e.g., excavation, grading, removal, trenching, filling, earth movement, or mining) shall be permitted without a Soil Management Plan and a Health and Safety Plan submitted to the Department for review and approval. Notwithstanding the foregoing, Covenantor may perform routine landscaping and maintenance of improvements thereon.

4.02 Access for the Department. The Department or its designated agents (including successor agencies) shall upon reasonable notice, no less than forty-eight (48) business hours, have access to the property for the purpose of inspection, surveillance, or monitoring, or other purpose necessary to protect public health or safety and the environment as provided in Chapters 6.5 and 6.8 of the California Health and Safety Code and Chapter 4 of Division 7 of the Water Code.

4.03 Enforcement. Failure of an Owner or an Occupant to comply with any of the restrictions set forth in Section 4.01 shall be grounds for the Department, by reason of the Covenant, to require that such Owner or Occupant modify or remove any improvements constructed in violation of Section 4.01 and to initiate such civil or criminal action as may, notwithstanding this covenant, be within the jurisdiction of the Department to initiate. Violation of the Covenant shall be grounds for the Department to file civil and criminal actions against the violating Owner(s) or Occupant(s) as provided by law. This Covenant shall not create any private right of action against Covenantor or any other Owner or Occupant of the Property or any portion thereof; nor shall this Covenant by its own terms create an obligation by Covenantor to police or enforce the performance of others hereunder.

4.04 Notice in Agreements. Any transferring Owner or Occupant shall execute a written instrument, which shall accompany the purchase, lease, sublease, rental agreements, or similar conveyance document(s) relating to the Property. The instrument shall contain the following statement: "The land described herein has been remedied in accordance with Chapter 6.8 of Division 20 of the Health and Safety Code. The San Mateo County Environmental Health Services Division has determined that the cleanup level accomplished by the remediation is protective of public health and the environment as long as the condition of the approved Remedial Action Plan for the Property, including the use restrictions imposed by the recorded Covenant and Agreement for Environmental Restrictions for the Property, a copy of which is attached hereto and incorporated herein by reference, are complied with. Because hazardous substances remain within the soil of the Property such conditions render the Property and the Owner(s), lessee(s), or other Occupant(s) of the Property subject to the applicable provisions of Chapters 6.5 and 6.8 of Division 20 of the Health and Safety Code. This statement is not a declaration that a hazard exists."

ARTICLE V VARIANCE AND TERMINATION

5.01 Variance. Any Owner(s) or, with the Owner's written consent, any Occupant of the Property or any portion thereof may apply to the Department for a written variance, based upon further environmental evaluation and/or remediation from the provisions of this Covenant. Such application shall be made in accordance with Health & Safety Code section 25233.

5.02 Termination. Any Owner(s) or, with the Owner's written consent, any Occupant of the Property or a portion thereof may apply to the Department for a termination of the Restrictions as they apply to all or any portion of the Property. Such application shall be made in accordance with Health & Safety Code section 25234.

5.03 Term. Unless modified or terminated in accordance with Sections 2.01, 5.01 or 5.02 above, by law or otherwise, this Covenant shall continue in effect in perpetuity. When this Covenant is terminated all terms and requirements herein, including Article IV, shall terminate.

ARTICLE VI MISCELLANEOUS

6.01 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Property or any portion thereof to the general public or for any purposes whatsoever.

6.02 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (1) when delivered, if personally delivered to the person being served or to an officer of a corporate party being served or official of a government agency being served, or (2) three [3] business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

To "Covenantor"

Howard K. & Ann H. Bennett
dba Haven Enterprises
P. O. Box 2605
Menlo Park, CA 94026-2605

Attn: Howard K. & Ann H. Bennett

To "Department"

County of San Mateo Health Services Agency

Environmental Health Services Division

455 County Center, 4th Floor

Redwood City, CA 94063

6.03 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

6.04 Article Headings. Headings at the beginning of each numbered articles of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

6.05 Recordation. This instrument shall be executed by the Covenantor and the Department and shall be submitted for recording by the Covenantor to the County of San Mateo within ten (10) days of Covenantor's receipt of a fully executed and acknowledged original of this instrument.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

COUNTY OF SAN MATEO HEALTH SERVICES AGENCY

ENVIRONMENTAL HEALTH SERVICES DIVISION

Dated:

By:

<COVENANTOR>

Dated: 1/10/05

By: *Howard K. Bennett*

Howard K. Bennett

Dated: 01/10/05

By: *Ann H. Bennett*

Ann H. Bennett

<California All-Purpose Acknowledgment Form>



HEALTH SERVICES AGENCY

November 24, 2004

Gene Bloch
3632 Haven Avenue
Redwood City, CA 94063-4604

SUBJECT: 3645 HAVEN AVENUE, MENLO PARK, CALIFORNIA

Dear Mr. Bloch:

Thank you for the letter received November 7, 2004 by the Revenue Services Division of San Mateo County. The December 8, 2003 letter (attached) was meant to clarify the responsible party designation for the above referenced site. However, it appears there has been some inconsistent communication between separate departments within San Mateo County which has caused you some distress. This letter along with its attachment and a separate letter from Revenue Services Division should satisfy your request that your name be removed from any responsibility, including financial, for this site. Please accept this letter as an apology and know that San Mateo County has taken actions to prevent this type of situation from arising again.

The original naming of responsible parties was not random but rather done based on the inspector's understanding of the ownership and tenancy of the site. As I believe you will admit, during the initial inspection performed at the site you were quite agitated with recent developments at the site and tried to convey several years worth of history for not only this site but several surrounding sites to the inspectors. It is easy to understand some confusion resulted from this initial inspection in terms of your involvement with the site being a manager rather than a partner for CT International.

Since the initial inspection, the site at 3645 Haven Avenue in Menlo Park has been thoroughly investigated by the responsible parties. Your reference to other contaminated sites in the area was documented during the initial inspection of the site and surrounding sites by the inspectors. However, the inspectors did not see any evidence of the alleged contamination you described other than at the 3645 Haven Avenue site. Without having any actual proof of the alleged contamination in the form of visual indications or analytical results of soil or groundwater samples, San Mateo County can not require property owners or tenants to perform investigations or corrective actions. I hope you can understand that we can not force property owners or tenants to chase potential contamination based on verbal allegations. That practice may lead to every disgruntled employee alleging contamination at their current or former employer's, or competitor's, facility.

Sincerely,

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Michael D. Nevin • Health Services Director: Charlene Silva

455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882

<http://www.smhealth.org>



HEALTH SERVICES AGENCY

December 8, 2003

SMCo Site #449077

APN 055-170-210

Gene Bloch
3632 Haven Avenue
Redwood City, CA 94063

George Lundberg
CT International Sales
3555 S El Camino Real #123
San Mateo, CA 94403-3415

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

SUBJECT: 3645 HAVEN AVENUE, MENLO PARK, CALIFORNIA

Dear Mr. Bloch, Mr. Lundberg, and Mr. and Mrs. Bennett:

Based on a recent conversation with Mr. Bloch and a review of the San Mateo County Hazardous Materials Program file for the above referenced site, GPP staff feels clarification of the responsible party designations is appropriate. San Mateo County Health Services Agency Groundwater Protection Program (GPP) staff has named the property owners, Haven Enterprises, and the tenant of the property, CT International Sales, who stored and/or used hazardous materials found to have contaminated the soil and/or groundwater at the site as responsible parties in accordance with appropriate regulations. Mr. Bloch had been used as the contact name and address for CT International Sales. Mr. Bloch claims to have been a contact for CT International Sales at some time terminating around 1991 and not at the time contamination was discovered at the above referenced site. Based on Hazardous Materials Program inspection reports as recently as 2002, it appears Mr. Bloch has continued to sign as a representative of CT International Sales after 1991. GPP staff will remove Mr. Bloch as a contact for CT International Sales once it is confirmed, via certified mail receipt of a letter with the same language as the May 12, 2003 letter, that Mr. Lundberg is the appropriate contact for CT International Sales at the above listed address.

GPP staff is allowing all involved parties to provide GPP staff with written comments to this action by **February 5, 2004**. I appreciate your cooperation. Please call me at (650) 363-4565 if you have any questions.

Sincerely,

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

cc: David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94105

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Michael D. Nevin • Health Services Director: Margaret Taylor

455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882

<http://www.smhealth.org>



HEALTH SERVICES AGENCY

November 5, 2004

SMCo Site #449077

APN 055-170-210

George Lundberg
CT International Sales
3555 S El Camino Real #123
San Mateo, CA 94403-3415

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

SUBJECT: 3645 HAVEN AVENUE, MENLO PARK, CALIFORNIA

Dear Mr. Lundberg and Mr. and Mrs. Bennett:

Thank you for the October 4, 2004 *Site Closure Report* submitted by Geologica for the above referenced site. San Mateo County Health Services Agency Groundwater Protection Program (GPP) staff's agrees with the recommendation that pending a commercial deed restriction the site is ready for case closure evaluation. GPP staff will begin an internal review process of the case closure summary provided in the report. Please submit a draft site specific commercial deed restriction for review by GPP staff as soon as possible in order to accompany GPP staff's internal review of the case closure request.

If the outcome of the internal review is approval of case closure with a commercial deed restriction, then the Regional Water Quality Control Board Region II is given a 30-day comment period regarding GPP staff's recommendation to grant case closure. If the 30-day comment period of the RWQCB passes with no comment, then a case closure letter will be issued by GPP once all invoices for GPP staff's time on this site have been paid up to date. GPP staff will also be issuing another letter at that time to the City of Menlo Park's Planning Department requesting notification of any future redevelopment plans submitted for this assessor's parcel due to the residual petroleum hydrocarbons under the permanent structures at the site. If the future redevelopment of the site may come in contact with the residual contamination, then GPP would require a soils management plan be submitted for review by the property owner at that time and approval by GPP prior to the overall development of the site receiving approval from the City of Menlo Park.

If there has been a change in the responsible party contact information for this site, please send GPP staff a letter officially notifying GPP staff of the change. I appreciate your cooperation. Should you have any questions, please call me at (650) 363-4565.

Sincerely,

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Michael D. Nevin • Health Services Director: Charlene Silva

455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882

<http://www.smhealth.org>

3645 Haven Avenue, Menlo Park, CA (SMCo #449077)

November 5, 2004

Page 2

cc: David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94105

TRANSMITTAL SHEET

geologica

Innovative Strategies for Environmental and Natural Resource Management

594 Howard Street, Ste. 400 ~ San Francisco, California 94105 ~ 415.597.7888 *telephone* ~ 415.597.7880 *facsimile*

SAN MATEO COUNTY
ENVIRONMENTAL HEALTH

JUL 28 2004

RECEIVED

To: Haven Enterprises

Date: July 28, 2004

Attention: Ann Bennett, Owner

**Subject: Phase II
Investigation/Remediation Project**

**We are sending via
US Mail**

**the following
DWR 188 Well Forms.
Please retain for your records.**

No. of copies submitted: 1

**Copies of transmittal to:
Department of Water Resources
San Mateo County Environmental Health
Wilbur Newfeld - Exploration Drilling**

geologica

From Kirk S. Martin

SAN MATEO COUNTY
ENVIRONMENTAL HEALTH

ORIGINAL
File with DWR

Page 1 of 1

Owner's Well No. 11W-1

Date Work Began 5/7/04, Ended 5/7/04

Local Permit Agency San Mateo County Environmental Health

Permit No. 04-0580 Permit Date 4/22/04

STATE OF CALIFORNIA
WELL COMPLETION REPORT

Refer to Instruction Pamphlet

No. 60

RECEIVED

DWR USE ONLY — DO NOT FILL IN

STATE WELL NO./STATION NO.

LATITUDE

LONGITUDE

APN/TRS/OTHER

GEOLOGIC LOG

WELL OWNER

ORIENTATION () ☐ VERTICAL ☐ HORIZONTAL ☐ ANGLE (SPECIFY)

DRILLING
METHOD

FLUID

DESCRIPTION

Describe material, grain size, color, etc.

DEPTH FROM
SURFACE

FL to FL

Abandonment of 11W-1 was performed by applying pressure (~250 PSI) to a cement slurry placed inside the well using a pump. A cap was placed over the top of the well which had two holes in the top of it. Through one hole the a tube pumped the grout into the well. Through the other hole the water was pushed out & collected in a bucket. The grout was forced through the screen & into the subsurface formation. Type of cement is Portland Quik Gel (11 Gallons). Oversight by Geologic, Inc.

Name Ann Bennett ; Haven Enterprises

Mailing Address 3645 Haven Avenue

Menlo Park CA 94026

CITY STATE ZIP

WELL LOCATION

Address 3645 Haven Avenue

City Menlo Park

County San Mateo

APN Book _____ Page _____ Parcel _____

Township _____ Range _____ Section _____

Latitude _____ NORTH Longitude _____ WEST

LOCATION SKETCH

NORTH

ACTIVITY ()

NEW WELL

MODIFICATION/REPAIR

Deepen

Other (Specify)

DESTROY (Describe

Procedures and Materials

Under "GEOLOGIC LOG")

PLANNED USES ()

WATER SUPPLY

Domestic Public

Irrigation Industrial

MONITORING

TEST WELL

CATHODIC PROTECTION

HEAT EXCHANGE

DIRECT PUSH

INJECTION

VAPOR EXTRACTION

SPARGING

REMEDICATION

OTHER (SPECIFY)

Illustrate or Describe Distance of Well from Roads, Buildings, Fences, Rivers, etc. and attach a map. Use additional paper if necessary. PLEASE BE ACCURATE & COMPLETE.

WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH TO FIRST WATER _____ (FL) BELOW SURFACE

DEPTH OF STATIC WATER LEVEL _____ (FL) & DATE MEASURED _____

ESTIMATED YIELD _____ (GPM) & TEST TYPE _____

TEST LENGTH _____ (Hrs.) TOTAL DRAWDOWN _____ (FL)

* May not be representative of a well's long-term yield.

TOTAL DEPTH OF BORING _____ (Feet)

TOTAL DEPTH OF COMPLETED WELL 14 (Feet)

DEPTH FROM SURFACE		BORE-HOLE DIA. (inches)	CASING (S)						DEPTH FROM SURFACE	ANNULAR MATERIAL							
			TYPE (≤)				MATERIAL / GRADE	INTERNAL DIAMETER (inches)		GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (inches)	TYPE					
FL	to FL		BLANK	SCREEN	CON- DUCTOR	FILL PIPE									FL	to FL	CE- MENT (≤)
0	14	2															
										</							

ATTACHMENTS ()

- Geologic Log
- Well Construction Diagram
- Geophysical Log(s)
- Soil/Water Chemical Analyses
- Other

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Wilbur Newfeld - Exploration Drilling

(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)

1206 Johnson Street, Redwood City CA 94061

ADDRESS CITY STATE ZIP

Signed W Newfeld DATE SIGNED 7/28/04 C-67 LICENSE NUMBER 431604

WELL DRILLER/AUTHORIZED REPRESENTATIVE

Refer to Instruction Pamphlet

No. e015352

DWR USE ONLY --- DO NOT FILL IN											
STATE WELL NO./STATION NO.											
LATITUDE						LONGITUDE					
APN/TRS/OTHER											

GEOLOGIC LOG

ORIENTATION ()			VERTICAL	HORIZONTAL	ANGLE	(SPECIFY)
DEPTH FROM SURFACE			DRILLING METHOD		FLUID	
FL	IN	FL	DESCRIPTION			
			Describe material, grain size, color, etc.			
9	14		Abandonment of FW-2 was performed by applying pressure (25 PSI) to cement slurry placed inside the well by pumping the grout through intake through a cap placed over the top of the well. The water in the well was forced out another smaller hole in the cap and collected in a bucket. The grout was under pressure for approximately five minutes to force the grout through the screen and into the subsurface formation. Type 1 grout used w/ Portland Quikzet (11 bags). Oversight by Geology/Env.			
TOTAL DEPTH OF BORING			14		(Feet)	
TOTAL DEPTH OF COMPLETED WELL			14		(Feet)	

WELL OWNER

Name Ann Bennett

Mailing Address 3645 Haven Avenue
Merida Park CA 94026

CITY _____ STATE _____ ZIP _____

Address 3645 Haven Avenue

City Merida Park

County San Mateo

APN Book _____ Page _____ Parcel _____

Township _____ Range _____ Section _____

Latitude _____ NORTH _____ WEST _____
DEG. MIN. SEC.

Longitude _____ WEST _____
DEG. MIN. SEC.

LOCATION SKETCH

NORTH

WEST

ACTIVITY (\pm)

___ NEW WELL

MODIFICATION/REPAIR

___ Deepen

___ Other (Specify) _____

___ DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")

PLANNED USES (\pm)

WATER SUPPLY

___ Domestic ___ Public

___ Irrigation ___ Industrial

MONITORING _____

TEST WELL _____

CATHODIC PROTECTION _____

HEAT EXCHANGE _____

DIRECT PUSH _____

INJECTION _____

VAPOR EXTRACTION _____

SPARGING _____

REMEDIATION _____

OTHER (SPECIFY) _____

SOUTH

Illustrate or Describe Distance of Well from Roads, Buildings, Fences, Rivers, etc. and attach a map. Use additional paper if necessary. **PLEASE BE ACCURATE & COMPLETE.**

WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH TO FIRST WATER _____ (Ft.) BELOW SURFACE
DEPTH OF STATIC
WATER LEVEL _____ (Ft.) & DATE MEASURED _____
ESTIMATED YIELD * _____ (GPM) & TEST TYPE _____
TEST LENGTH _____ (Hrs.) TOTAL DRAWDOWN _____ (Ft.)
* May not be representative of a well's long-term yield.

[illegible]

ATTACHMENTS (≤)

- ☐ Geologic Log
- ☐ Well Construction Diagram
- ☐ Geophysical Log(s)
- ☐ Soil/Water Chemical Analyses
- ☐ Other

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

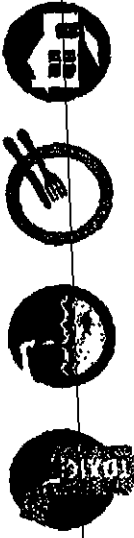
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME W. J. Burr New Field - Exploration Drilling
(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)
ADDRESS 1206 Johnson Street, Redwood City CA 94061
CITY Redwood City STATE CA ZIP 94061
Signed W. J. Burr DATE SIGNED 7/28/84 C-57 LICENSE NUMBER 431604
WELL OWNER/AUTHORIZED REPRESENTATIVE

ORDINANCE: 03101

ENVIRONMENTAL HEALTH
SAN MATEO COUNTY

PERMIT 04-0580



P/E: 2014 MONITORING WELLS DESTRUCTION

FACILITY:
3645 HAVEN AVE, MENLO PARK

OWNER:
HAVEN ENTERPRISES
PO BOX 2665
MENLO PARK
WP0003483
055-170-210
AMOUNT PAID: 435.00

CONTRACTOR:
EXPLORATION DRILLING

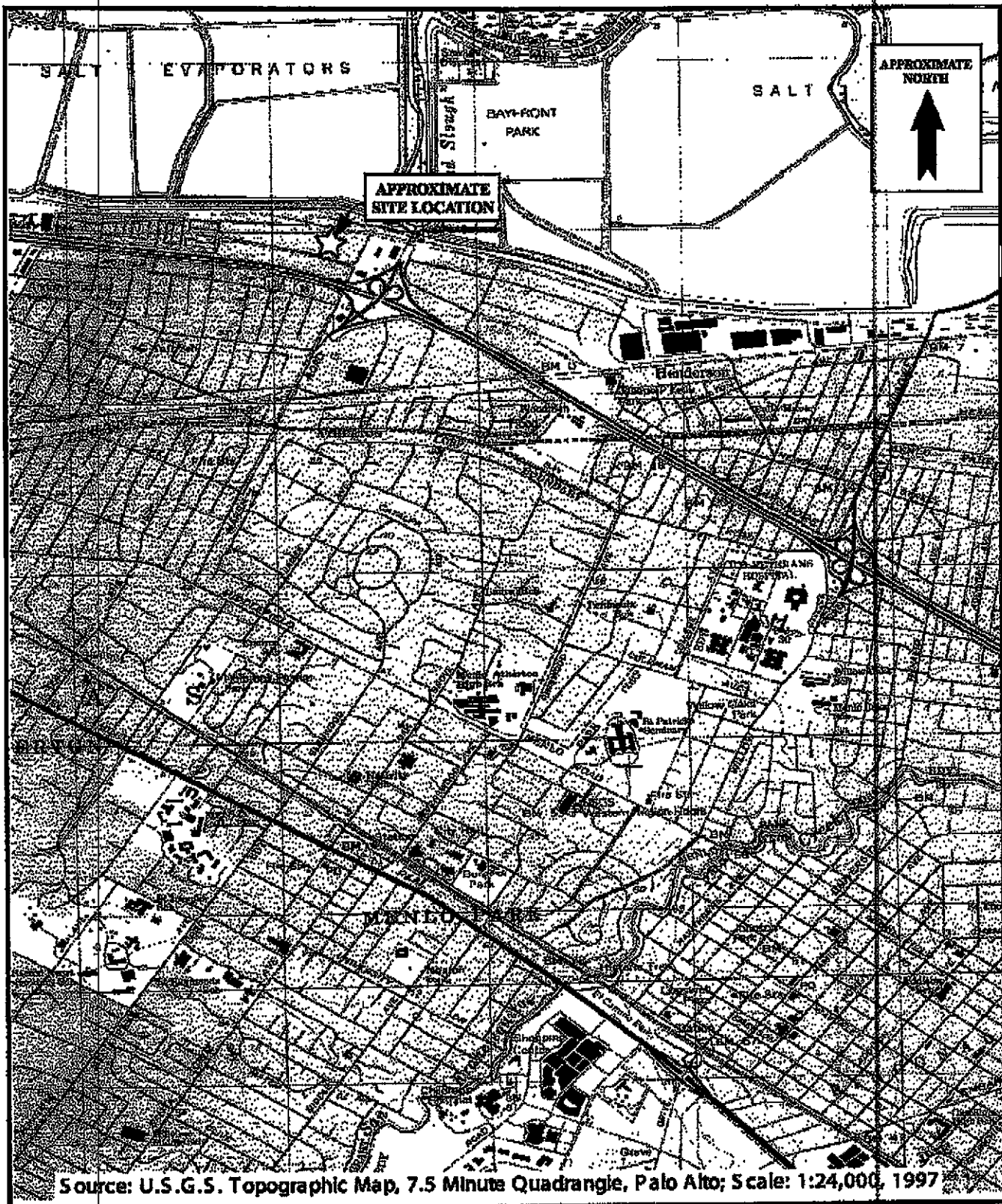
TERMS & CONDITIONS:
MONITORING WELL DESTRUCTION (4)
CONSULTANT: GEOLOGICA, INC.
DAVID KLIMBERG

DATE ISSUED: 4/22/2004

CHARLES ICE
ENVIRONMENTAL HEALTH SPECIALIST
EXPIRATION DATE: 7/22/2004

COPY

THIS PERMIT IS NONTRANSFERABLE AND MUST BE POSTED ON-SITE IN A CONSPICUOUS PLACE

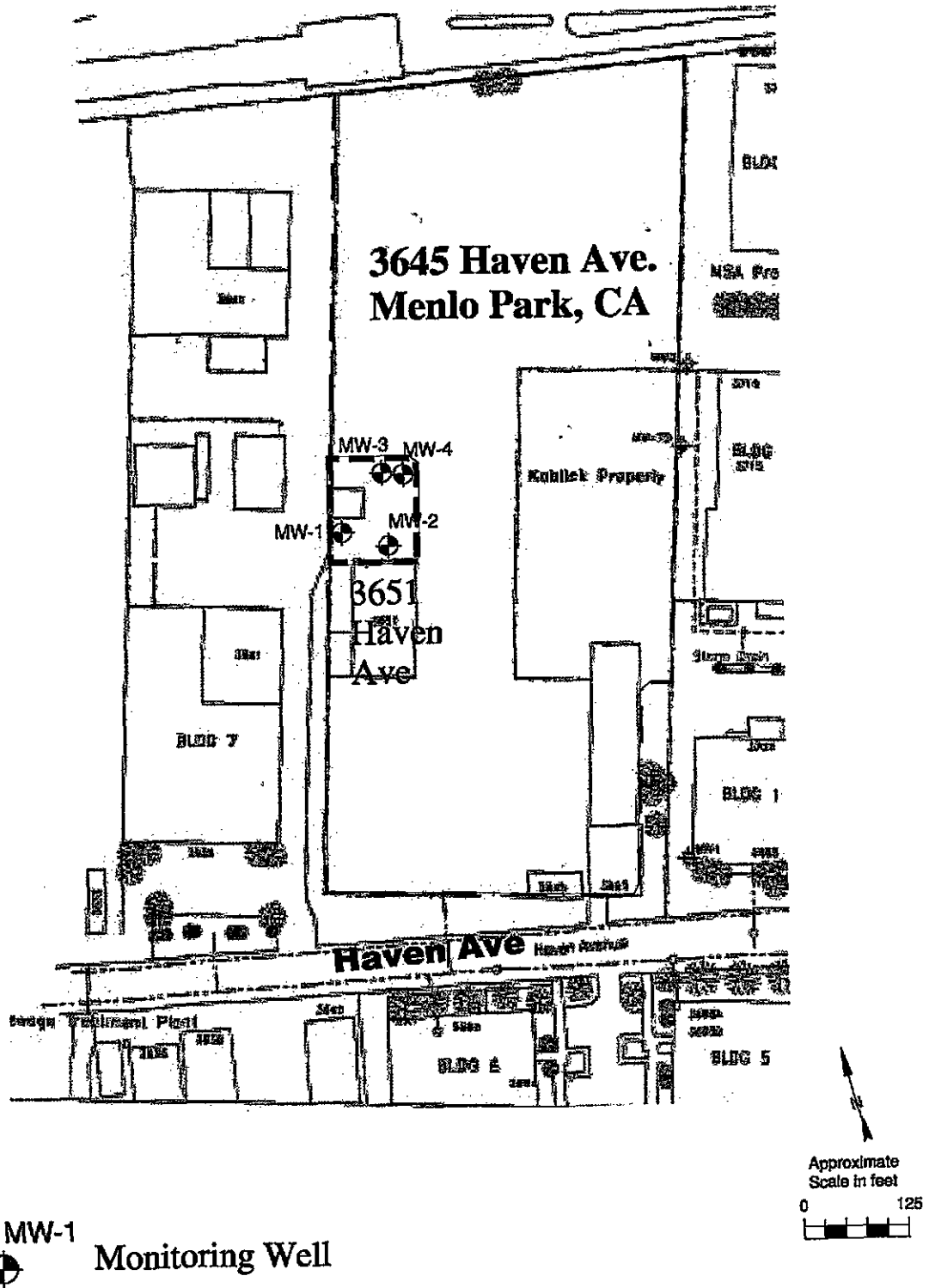
**SITE LOCATION MAP**

Geologica

Project: Haven Avenue
File Number: Haven.002
Address: 3645 Haven Avenue
Menlo Park, California

Date: Sept. 2003
By: PK
Figure: 1

Site Plan showing Monitoring Well Locations





HEALTH SERVICES AGENCY

February 17, 2004

SMCo Site #449077
APN 055-170-210

George Lundberg
CT International Sales
3555 S El Camino Real #123
San Mateo, CA 94403-3415

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

SUBJECT: 3645 HAVEN AVENUE, MENLO PARK, CALIFORNIA

Dear Mr. Lundberg and Mr. and Mrs. Bennett:

Thank you for the February 10, 2004 *Site Closure Workplan* submitted by Geologica for the above referenced site. The work plan is accepted as presented with the following comments. As previously stated in San Mateo County Health Services Agency Groundwater Protection Program (GPP) staff's November 20, 2003 letter, the exact dimensions of the "hot spots" have not been defined and the actual amount needed to be remediated, via your selected method of excavation, may be greater than anticipated. If any residual contamination above residential Environmental Screening Levels (ESLs) or commercial ESLs if deed restriction is in place, then a building department notification letter will be sent to the local building department requesting any future subsurface work at this site be forwarded to GPP staff for review prior to approval. The cost of GPP staff's review will be billed to the property owner at the time of the request. Please submit a report of the remediation activities by **June 22, 2004**.

I appreciate your cooperation. Please call me at (650) 363-4565 if you have any questions.

Sincerely,

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

cc: David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94105

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Michael D. Nevin • Health Services Director: Margaret Taylor

455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882

<http://www.smhealth.org>



HEALTH SERVICES AGENCY

December 8, 2003

SMCo Site #449077

APN 055-170-210

Gene Bloch
3632 Haven Avenue
Redwood City, CA 94063

George Lundberg
CT International Sales
3555 S El Camino Real #123
San Mateo, CA 94403-3415

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

SUBJECT: 3645 HAVEN AVENUE, MENLO PARK, CALIFORNIA

Dear Mr. Bloch, Mr. Lundberg, and Mr. and Mrs. Bennett:

Based on a recent conversation with Mr. Bloch and a review of the San Mateo County Hazardous Materials Program file for the above referenced site, GPP staff feels clarification of the responsible party designations is appropriate. San Mateo County Health Services Agency Groundwater Protection Program (GPP) staff has named the property owners, Haven Enterprises, and the tenant of the property, CT International Sales, who stored and/or used hazardous materials found to have contaminated the soil and/or groundwater at the site as responsible parties in accordance with appropriate regulations. Mr. Bloch had been used as the contact name and address for CT International Sales. Mr. Bloch claims to have been a contact for CT International Sales at some time terminating around 1991 and not at the time contamination was discovered at the above referenced site. Based on Hazardous Materials Program inspection reports as recently as 2002, it appears Mr. Bloch has continued to sign as a representative of CT International Sales after 1991. GPP staff will remove Mr. Bloch as a contact for CT International Sales once it is confirmed, via certified mail receipt of a letter with the same language as the May 12, 2003 letter, that Mr. Lundberg is the appropriate contact for CT International Sales at the above listed address.

GPP staff is allowing all involved parties to provide GPP staff with written comments to this action by **February 5, 2004**. I appreciate your cooperation. Please call me at (650) 363-4565 if you have any questions.

Sincerely,

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

cc: David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94105

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Michael D. Nevin • Health Services Director: Margaret Taylor

455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882

<http://www.smhealth.org>



HEALTH SERVICES AGENCY

November 20, 2003

SMCo Site #449077

APN 055-170-210

Gene Bloch
CT International Sales
3632 Haven Avenue
Redwood City, CA 94063

George Lundberg
CT International Sales
3555 S El Camino Real #123
San Mateo, CA 94403-3415

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

**SUBJECT: 3645 HAVEN AVENUE
MENLO PARK, CALIFORNIA**

Dear Mr. Lundberg, Mr. Bloch, and Mr. and Mrs. Bennett:

Thank you for the November 13, 2003 *Report Supplemental Phase II Environmental Investigations* submitted by Geologica for the above referenced site. The recommendations in the report are addressed in the following comments.

- San Mateo County Health Services Agency Groundwater Protection Program (GPP) does not allow deed restrictions of the nature recommended in the report due to the lack of guaranteed enforcement required for this type of deed restriction to be useful. You can request another lead agency for this site according to Assembly Bill 2061. Other agencies may accept this type of deed restriction. Please notify GPP at any time if you have requested another agency to take over the lead for this site through the Site Designation Process and all outstanding requirements will be placed on hold pending the outcome of your request.
- The vertical, and in some areas the lateral, extent of contamination has not been completely defined in the three identified areas of contamination. Based on the concentrations and the shallow nature of the contaminants, remediation is warranted. Please submit a remediation plan with lateral and vertical confirmation sampling by **February 12, 2004**.
- The recommendation to destroy the monitoring wells at the site is accepted as presented.

I appreciate your cooperation. Please call me at (650) 363-4565 if you have any questions.

Sincerely,

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

cc: David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94105

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Michael D. Nevin • Health Services Director: Margaret Taylor

455 County Center • Redwood City, CA 94063 • PHONE 650.363.4305 • TDD 650.573.3206 • FAX 650.363.7882

<http://www.smhealth.org>

November 13, 2003

San Mateo County Health Services Agency
Public Health and Environmental Protection Division
455 County Center
Redwood City, CA

SAN MATEO COUNTY
ENVIRONMENTAL HEALTH

NOV 18 2003

RECEIVED

Attention: Mr. Charles Ice

**Report
Supplemental Phase II
Environmental Investigations
Former CT International Sales Facility
3645 Haven Avenue
Menlo Park, California**

Dear Mr. Ice:

Enclosed with this letter is one copy of our report presenting the results of the supplemental phase II environmental investigations conducted at the Former CT International Sales Facility in September/October 2003. The work was completed essentially as described in our work plan dated August 18, 2003 as modified in our letter dated September 16, 2003.

SIGNIFICANT FINDINGS

As discussed in the enclosed report, the following findings were noted:

- The presence of petroleum hydrocarbons in soil above San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) risk-based Environmental Screening Levels (ESLs) was confirmed at three locations. Petroleum-impacted soil hot spots were identified below and southeast of the large shed, north of the former hazardous materials shed, and in a small area near the northwest corner of the corrugated steel building at 3651 Haven Avenue.
- Petroleum hydrocarbons were detected at concentrations below the ESLs in groundwater samples collected from the newly installed monitoring wells.

- Groundwater at the site contains dissolved solids above SFBRWQCB drinking water criteria, consequently site data were compared to ESLs for sites underlain by non-potable groundwater.
- Volatile organic compounds (VOCs) were not detected in soil or groundwater samples above ESLs.

RECOMMENDATIONS

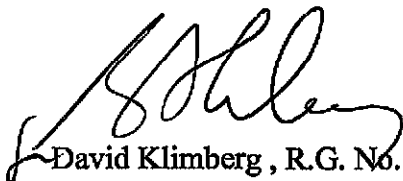
Based on information developed as a result of the February and September/October 2003 field programs we recommend the following actions at the site:

- Further excavation and appropriate disposal of readily accessible soils in the three identified petroleum hydrocarbon hot spot areas.
- Placing an institutional control in the form of a deed restriction requiring removal and appropriate disposal of residual petroleum-impacted soil underlying portions of the large shed and nearby intact concrete slab.
- Decommissioning the site monitoring wells in accordance with State regulations.

Following your review of the enclosed report and concurrence with these recommendations, we propose to prepare a brief work plan describing soil excavation, confirmation sampling, and disposal procedures and monitoring well decommissioning procedures to guide site closure activities. If you have any questions, please do not hesitate to contact Dan Matthews at 206-799-5726 or Dave Klimberg at 510-595-1421.

Very truly yours,

GEOLOGICA INC.



David Klimberg, R.G. No. 4317
Principal



Daniel Matthews, LHG
Associate

Attachments: Report, Supplemental Phase II Environmental Investigations, Former CT International Sales Facility, 3645 Haven Avenue, Menlo Park, Ca

Cc: Howard and Ann Bennet

SAN MATEO COUNTY
ENVIRONMENTAL HEALTH

SEP 18 2003

RECEIVED

September 16, 2003

San Mateo County Health Services Agency
Public Health and Environmental Protection Division
455 County Center
Redwood City, CA

Attention: Mr. Charles Ice

**Response to Comments and
Proposed Modifications to
August 18, 2003 Work Plan
Phase II Environmental Investigations
Former CT International Sales Facility
23645 Haven Avenue
Menlo Park, California**

Dear Mr. Ice:

The purpose of this letter is to respond to comments presented in your August 21, 2003 letter to Mr. Lundbeg, Mr. Bloch, and Mr. And Mrs. Bennett regarding the above referenced work plan for additional environmental investigations at the Haven Avenue site. These comments are addressed below in the order presented in your letter. Additionally, we have enclosed a copy of our Water Well Application. The original application form will be sent under separate cover. Also enclosed is a check in the amount of \$435.

VOLATILE ORGANIC COMPOUND SAMPLING

In response to your request, vadose zone soil samples collected during the grid sampling program will also be analyzed for volatile organic compounds by EPA Method 8260b.

LIMITS OF WORK AREA

The intent of the gridded soil sampling program discussed in the August 18, 2003 work plan was to characterize soil quality in the area reportedly used by CT International for maintenance activities. To address your concern with respect to the shed on the west side of the property, we have obtained the property owner's permission to expand the sampling grid west onto a utility easement as shown on the attached revised Sample Location Map. In the event that petroleum-impacted soils are identified on the edges of the investigation area during this next round of work, we will develop a plan for additional sampling as needed to describe the lateral extent of contamination.

GEOTECHNICAL SAMPLING

Remedial measures at the site may include excavation and offsite disposal of petroleum-impacted soils. To address potential disposal requirements, one soil sample collected during drilling from within the surficial fill horizon will be submitted to an accredited testing laboratory for analysis for grain size distribution and moisture content in accordance with ASTM methods or equivalents. The soil sample will be collected with a split spoon sampler in accordance with ASTM Method D-1586-84, *Standard Method for Penetration Test and Split-Barrel Sampling of Soils*.

MONITORING WELL COMPLETIONS

During the February 2003 field program at the CT International site, ground water was encountered in thin sand seams interbedded with relatively tight silt and clay at depths of approximately 8 feet below ground surface (bgs). Water levels measured through the Geoprobe drill rods after completion of sampling indicated depth to ground water of 2 to 3.7 feet bgs. Erler & Kalinowski (1997) reported encountering first ground water at a depth of approximately 8 feet bgs in November 1996. This ground water appeared to occur under confined conditions; they reported that the final stable potentiometric surface was approximately 6 feet bgs. Given this information, some modification of standard monitoring well completion procedures will be necessary to allow sampling of the uppermost water-bearing zone. We propose to complete the shallow monitoring wells with 7 feet of machine slotted screen set between depths of 7 and 14 feet bgs. Filter sand will be placed in the annular space around the casing to a height of 2 feet above the top of the screen (depth of 5 ft bgs). Bentonite chips will be placed on top of the filter sand to within 2 feet of ground surface (3 foot thickness). The bentonite chips will be wetted with clean water and allowed to hydrate before backfilling the remaining annular space with concrete and placing a traffic vault. This is a slight modification to standard practice but should provide an adequate surface seal.

The deep monitoring well will be completed with 10 feet of machine slotted screen set between 15 and 30 feet below ground surface depending on lithology encountered during drilling. The deep monitoring well will have a minimum of 10 foot bentonite chip seal set above the sand pack and thus will meet county requirements.

MEASURES TO PREVENT CROSS CONTAMINATION

The proposed shallow monitoring wells will be completed such that the proposed concrete and bentonite seal will prevent surface water entry into the uppermost water-bearing zone. The deep monitoring well will be completed with a bentonite seal placed across the entire thickness of the uppermost water-bearing zone preventing future cross contamination between the shallow and deeper water-bearing zones.

MONITORING WELL LOCATIONS

Information presented in the Remedial Investigation report for the Mitsubishi property located adjacent to and northeast of the subject property indicated a northeasterly ground water gradient in the uppermost water bearing zone (Erler & Kalinowski, 1997). Based on this information, we have revised the shallow well locations to place one shallow well (MW-1) on the west (presumed upgradient) side of the property and two shallow wells (MW-2 and MW-3) on the east (presumed downgradient) side of the property. The location of the deeper ground monitoring well, MW-4, was inadvertently left off the exploration plan presented in the August 2003 work plan. The attached Figure 1 shows that the deeper well will be completed adjacent to proposed shallow well MW-3 on the northeast side of the property. Wells MW-3 and MW-4 are intended to monitor ground water quality in the presumed downgradient (northeastern) side of the former CT International facility.

DRILLING PERMITS

Drilling permit applications will be submitted to your office no later than September 18, 2003 to comply with county requirements.

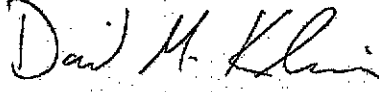
SCHEDULE

We anticipate conducting field work during the week ending October 3, 2003. Concrete coring and soil sampling will begin on September 25. GEOLOGICA's field supervisor, Dan Matthews, will contact you regarding the exact chronology of sampling events so that you or Department staff can coordinate site visits as desired.

If you have any questions, please do not hesitate to contact Dan Matthews at 206-799-5726 or myself at 510-595-1421.

Very truly yours,

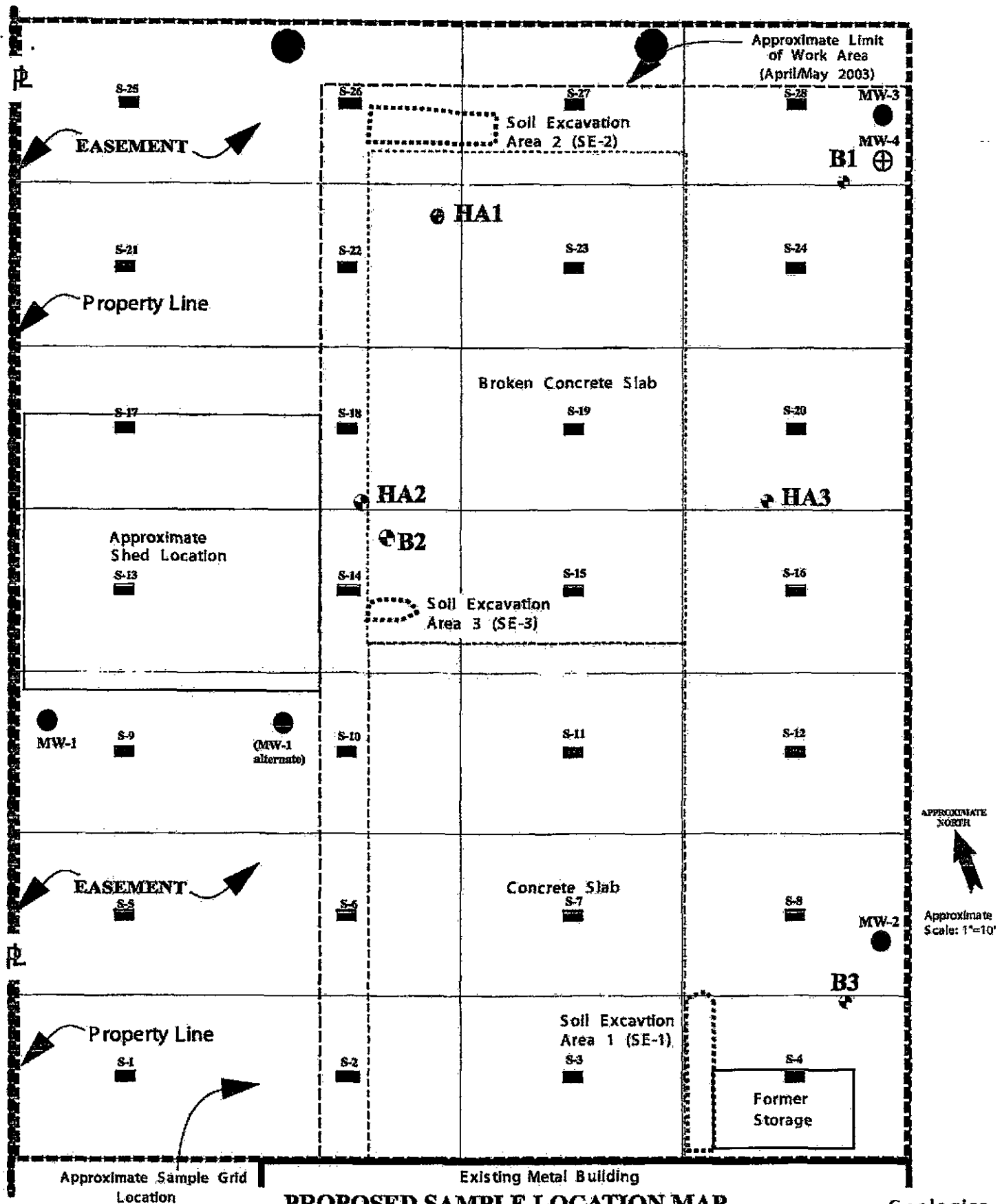
GEOLOGICA INC.



David Klimberg , R.G.
Principal

Attachments: Attachment I – Revised Site Exploration Plan, Haven Avenue Site
Attachment II – Water Well Application (copy)
Attachment III – Check No.2225 in the amount of \$435

Cc: Ann Bennett



Project: Haven Avenue	MW-3 New Shallow Well	Date: Sept. 2003
File Number: Haven.002	MW-4 New Deep Well	By: PK
Address: 3645 Haven Avenue	S-28 Shallow Soil Sample	Figure: 1
Menlo Park, California		

ATTACHMENT I



HEALTH SERVICES AGENCY

August 21, 2003

SMCo Site #449077
APN 055-170-210

George Lundberg and Gene Bloch
CT International Sales
3632 Haven Avenue
Redwood City, CA 94063

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

**SUBJECT: 3645 HAVEN AVENUE
MENLO PARK, CALIFORNIA**

Dear Mr. Lundberg, Mr. Bloch, and Mr. and Mrs. Bennett:

Thank you for the August 18, 2003 *Workplan Phase II Environmental Investigations* submitted by Geologica for the above referenced site. This work plan was requested to be submitted by June 30, 2003. Please be sure to meet requested deadlines for all future submittals. The work plan is accepted with the following comments and conditions.

- Volatile organic compounds (VOCs) were detected in unsaturated soil samples, saturated soil samples, and grab groundwater samples during the previous phase of random sampling location investigation. Although the concentrations of VOCs detected in unsaturated soil samples were below Risk Based Screening Levels (now called Environmental Screening Levels, July 2003), there may be higher concentrations of VOCs in the unsaturated soil in other areas of the site. Please either analysis for VOCs using EPA Method 8260 in all of the unsaturated soil samples or propose and justify a modified sampling plan for VOCs in the unsaturated soil samples.
- It appears the approximate limit of work area is assumed to be the limits of any potential contamination. In order to completely define the lateral extent of contamination, off-site sampling may need to be conducted. Please be sure to evaluate the currently proposed and accepted sampling plan, and the results of the sampling, to determine if the lateral extent of contamination can be determined to be, and is in fact, bounded by the approximate limit of work area. This may include an evaluation of the inclusion of sampling points to the west of the current sampling grid including the area of the shed and the areas north and south of the shed.
- Please be sure to collect geotechnical samples in accordance with appropriate standards (i.e. ASTM) and reference the standards and describe the sampling techniques in the report.
- The work plan states four monitoring wells will be installed but the description of their locations and referenced figure only talk about and display three monitoring well locations. The three shallow monitoring well screens are proposed to be between 2 and 15 feet below ground surface with potential modifications based on field conditions encountered. This proposed screen interval would not allow for the proposed construction guidelines of 2 feet

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Board of Supervisors: Mark Church • Rose Jacobs Gibson • Richard S. Gordon • Jerry Hill • Michael D. Nevin • Health Services Director: Margaret Taylor

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<http://www.smhealth.org>

August 21, 2003

Page 2

of sand pack above the top of the well screen, 4 feet of bentonite above the sand pack, and cement to within a few feet of ground surface. The description of the advancement and construction of the deep monitoring well does not include a description of measures that will be taken to prevent cross-contamination from the shallow, and known to be impacted, water bearing horizon. In your submittal of the subsurface drilling permit application(s), please include a letter addendum addressing each of these concerns (i.e. location of deep, fourth well, proposed well construction of shallow wells, and cross-contamination prevention methods).

- Please submit subsurface drilling permit applications (updated in July 2002) for each assessor's parcel for all borings greater than ten (10) feet below ground surface or if they encounter groundwater prior to ten (10) feet below ground surface in which soil or groundwater samples are going to be collected for environmental analysis and for all monitoring well installations at least five (5) days prior to the anticipated drilling date. Separate notification is also required at least three (3) days prior to the finalized drilling date. Please be sure to include the appropriate fee based on the current (updated October 1, 2003) Boring and Well Permit Fee Schedule for San Mateo County Health Services Agency Groundwater Protection Program. Also include an appropriately scaled site map showing the approximate location of the proposed boring(s) or monitoring well(s), any site structures, and the closest street.

Please submit the report of the activities by **October 30, 2003**. All reports need to be signed **AND** stamped by the registered professional in charge of the site. I appreciate your cooperation. Please call me at (650) 363-4565 if you have any questions.

Sincerely,



Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

cc: David Klimberg, Geologica, 594 Howard Street, Suite 400, San Francisco, CA 94105



HEALTH SERVICES AGENCY

May 12, 2003

CERTIFIED MAIL

7002 2030 0000 3875 4632

SMCo SITE: #449077

Haven Enterprises
Attention: Ann Bennett
PO Box 2605
Menlo Park, CA 94026-2605

SUBJECT: CT INTERNATIONAL SALES, 3645 HAVEN AVENUE, MENLO PARK, CA

Dear Ms. Bennett,

Our files indicate a discharge, or potential discharge, of waste to waters and/or soil of the State as the result of operations at the subject site. This letter is intended to clarify your responsibilities for reporting, investigating, and remediating such discharges.

San Mateo County Environmental Health Division has the lead agency role for case-handling. Regardless of the level of oversight from agencies, you are responsible for the timely reporting, investigation, and cleanup of soil and ground water pollution such that the beneficial uses of waters of the State are protected, and in compliance with appropriate policies.

You will be responsible to reimburse the County of San Mateo for site specific oversight costs incurred by the County while overseeing the cleanup of your site. These costs will include permit fees and/or hourly consultation fees.

Investigations and Cleanup Responsibilities

The subject unauthorized release has been reported as your responsibility. The following steps are the minimum required for addressing your site.

1. Determine the lateral and vertical extent of soil and ground water pollution.
2. Assess the local and regional hydrogeology as appropriate to evaluate actual or potential impacts of contamination to beneficial uses of surface and/or ground water.
3. Evaluate and implement appropriate remedial action alternatives which may include risk assessment.

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Ann Bennett/449077

May 12, 2003

Page 2

4. Remove all free product. Dissolved constituents and contaminated soil should be remediated consistent with State Water Resources Control Board Resolution No. 68-16.

Reporting Responsibilities

You are responsible to forward reports to this office, as follows:

1. Submittal of individual technical reports, for the site, detailing all investigative and remedial actions associated with the site. These reports shall be submitted on a quarterly basis, unless more frequent reports are requested by this office or the RWQCB. These reports shall be submitted until such time as the case is closed by Environmental Health and/or the RWQCB.
2. A summary report shall be submitted on a quarterly basis and include the following information, at a minimum.
 - a. Site name, address, city and county site number.
 - b. A brief background history of the investigation and remedial actions.
 - c. A chronological listing of actions that were taken regarding investigation and remediation during the previous quarter.
 - d. A listing, with scheduled dates, of actions planned for the next quarter.
 - e. Status on the characterization of soil pollution, free product, and dissolved constituents.
 - f. Status on remediation of soil pollution, free product, and dissolved constituents. This shall include a report of the gallons of product recovered, and a calculation for the amount of product recovered from dissolved phase removal and/or vapor extraction.

The first quarterly summary report shall be submitted thirty (30) calendar days from the postmarked date of this letter, and quarterly thereafter.

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ATTENTION: ANN BENNETT
PO BOX 2605
MENLO PARK, CA 94026-2605**

7002 2030 0000 3875 4632

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| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt Requested | <input type="checkbox"/> COD |

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HOWARD K BENNETT

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X Howard K Bennett

PS Form 3811, December 1994

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PS Form 3800, June 2002

See reverse for instructions

2694 5298 0000 0002 2002

Ann Bennett/449077

May 12, 2003

Page 3

All proposals and reports which contain engineering or geological information, interpretations, or other opinions as specified by The Business and Professions Code, must be signed **AND STAMPED** by an appropriately registered professional. In general, all reports on investigation and remediation require this type of signature.

All proposals and reports submitted to us must be accompanied by a cover letter, signed by an officer or legally authorized representative of your company, which states at a minimum:

"I declare under penalty of perjury, that the information and/or recommendations contained in the attached proposal or report is true and correct."

You are required to submit the above reports pursuant to Section 13267(b) of the **California Water Code**. Failure to comply may subject you to the imposition of administrative civil liabilities by the Regional Board or County District Attorneys office of up to one thousand dollars (\$1,000) per day of non-compliance.

One (1) enclosure is included.

A partial resource list of consultants that may assist you in meeting the above requirements.

Thank you for your cooperation in this matter. Please contact me within 15 days from the postmarked date of this letter at (650) 363-4565 to further discuss your case and answer any questions.

Sincerely,



Charles Ice

Hazardous Materials Specialist III
Groundwater Protection Program

CI/mp

cc: Anders Lungren, RWQCB, 1515 Clay St, Ste 1400, Oakland, CA 94612
Denise Tsuji, DTSC, 700 Heinz Ave, Ste 200, Berkeley, CA 94710



HEALTH SERVICES AGENCY

May 12, 2003

CERTIFIED MAIL

7002 2030 0000 3875 4618

SMCo SITE: #449077

CT International Sales
Attention: Gene Black
3632 Haven Avenue
Menlo Park, CA 94025

SUBJECT: CT INTERNATIONAL SALES, 3645 HAVEN AVENUE, MENLO PARK, CA

Dear Mr. Black,

Our files indicate a discharge, or potential discharge, of waste to waters and/or soil of the State as the result of operations at the subject site. This letter is intended to clarify your responsibilities for reporting, investigating, and remediating such discharges.

San Mateo County Environmental Health Division has the lead agency role for case-handling. Regardless of the level of oversight from agencies, you are responsible for the timely reporting, investigation, and cleanup of soil and ground water pollution such that the beneficial uses of waters of the State are protected, and in compliance with appropriate policies.

You will be responsible to reimburse the County of San Mateo for site specific oversight costs incurred by the County while overseeing the cleanup of your site. These costs will include permit fees and/or hourly consultation fees.

Investigations and Cleanup Responsibilities

The subject unauthorized release has been reported as your responsibility. The following steps are the minimum required for addressing your site.

1. Determine the lateral and vertical extent of soil and ground water pollution.
2. Assess the local and regional hydrogeology as appropriate to evaluate actual or potential impacts of contamination to beneficial uses of surface and/or ground water.
3. Evaluate and implement appropriate remedial action alternatives which may include risk assessment.

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION DIVISION

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Gene Black/449077

May 12, 2003

Page 2

4. Remove all free product. Dissolved constituents and contaminated soil should be remediated consistent with State Water Resources Control Board Resolution No. 68-16.

Reporting Responsibilities

You are responsible to forward reports to this office, as follows:

1. Submittal of individual technical reports, for the site, detailing all investigative and remedial actions associated with the site. These reports shall be submitted on a quarterly basis, unless more frequent reports are requested by this office or the RWQCB. These reports shall be submitted until such time as the case is closed by Environmental Health and/or the RWQCB.
2. A summary report shall be submitted on a quarterly basis and include the following information, at a minimum.
 - a. Site name, address, city and county site number.
 - b. A brief background history of the investigation and remedial actions.
 - c. A chronological listing of actions that were taken regarding investigation and remediation during the previous quarter.
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 - f. Status on remediation of soil pollution, free product, and dissolved constituents. This shall include a report of the gallons of product recovered, and a calculation for the amount of product recovered from dissolved phase removal and/or vapor extraction.

The first quarterly summary report shall be submitted thirty (30) calendar days from the postmarked date of this letter, and quarterly thereafter.

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3. Article Addressed to:

**CT INTERNATIONAL SALES
ATTENTION: GENE BLACK
3632 HAVEN AVENUE
MENLO PARK, CA 94025**

4a. Article Number
7002 2030 0000 3875 4618

4b. Service Type

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ATTENTION: GENE BLACK
3632 HAVEN AVENUE
MENLO PARK, CA 94025**

4a. Article Number
7002 2030 0000 3875 4618

4b. Service Type

☐ Registered ☒ Certified
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 or PO Box No.
 City, State, ZIP+4: **MENLO PARK, CA 94025**

PS Form 3800, June 2002 See Reverse for Instructions

7002 2030 0000 3875 4618

Gene Black/449077

May 12, 2003

Page 3

All proposals and reports which contain engineering or geological information, interpretations, or other opinions as specified by The Business and Professions Code, must be signed **AND STAMPED** by an appropriately registered professional. In general, all reports on investigation and remediation require this type of signature.

All proposals and reports submitted to us must be accompanied by a cover letter, signed by an officer or legally authorized representative of your company, which states at a minimum:

"I declare under penalty of perjury, that the information and/or recommendations contained in the attached proposal or report is true and correct."


You are required to submit the above reports pursuant to Section 13267(b) of the **California Water Code**. Failure to comply may subject you to the imposition of administrative civil liabilities by the Regional Board or County District Attorneys office of up to one thousand dollars (\$1,000) per day of non-compliance.

One (1) enclosure is included.

A partial resource list of consultants that may assist you in meeting the above requirements.

Thank you for your cooperation in this matter. Please contact me within 15 days from the postmarked date of this letter at (650) 363-4565 to further discuss your case and answer any questions.

Sincerely,



Charles Ice

Hazardous Materials Specialist III
Groundwater Protection Program

CI/mp

cc: Anders Lungren, RWQCB, 1515 Clay St, Ste 1400, Oakland, CA 94612
Denise Tsuji, DTSC, 700 Heinz Ave, Ste 200, Berkeley, CA 94710



HEALTH SERVICES AGENCY

April 30, 2003

SMCo #449077
APN 055-170-210

George Lundberg and Gene Bloch
CT International Sales
3632 Haven Avenue
Redwood City, CA 94063

Howard and Ann Bennett
Haven Enterprises
PO Box 2605
Menlo Park CA 94026-2605

SUBJECT: CT INTERNATIONAL SALES, 3645 HAVEN AVENUE, MENLO PARK, CALIFORNIA

Dear Mr. Lundberg, Mr. Bloch, and Mr. and Mrs. Bennett:

Thank you for the April 28, 2003 *Report, Sampling and Clean Up* regarding the recent investigation at 3645 Haven Avenue in Menlo Park submitted by Geologica. Based on this report, the site has been added to the San Mateo County Health Services Agency Groundwater Protection Program (GPP) regulatory oversight case list. CT International Sales has been named a responsible party as operator of the facility with identified potential contamination prior to vacating the site as stated in the inspection reports by San Mateo County Health Services Agency Hazardous Materials Program. Mr. and Mrs. Bennett have been named responsible parties as property owners of the site at the time contamination was discovered.

Total petroleum hydrocarbons and volatile organic compounds were encountered in shallow soils and groundwater at the site. Investigation, cleanup, and reporting responsibilities are outlined in a second letter you will receive shortly via certified mail. Please be sure to submit quarterly progress reports (work plans and data submittal reports can count as quarterly progress reports) as stated in the second letter.

Due to the fact that an underground storage tank source has not been identified at this site in association with this contamination, GPP is opening the site on a contract basis in which the responsible party will be billed for all time spent by GPP performing oversight. If a tank source is identified at some point in the future, GPP will reconsider this status. Currently, the GPP billing rate is \$90 per hour. Please submit a work plan to continue characterizing the lateral and vertical extent of contamination at the site by **June 30, 2003**.

In response to the report, the follow comments were prepared by GPP. Due to the fact groundwater was encountered at a shallow depth (approximately 3-feet below ground surface), the soil samples collected from 3- to 5-feet below ground surface were apparently saturated and should be considered separate from unsaturated soil samples. Saturated soil samples no longer need to be collected at the site due to the fact groundwater is known to be impacted.

The concentrations of chemicals detected in soil and groundwater samples were compared to commercial/industrial RBSLs. Unless a commercial deed restriction is placed on this specific parcel or planned to be placed on this specific parcel with concurrence from GPP, concentrations

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April 30, 2003

Page 2

of contaminants should be compared to residential RBSLs. GPP does not have any control over or influence with individual cities in San Mateo County regarding land use and zoning designations and therefore can't assume that current commercial/industrial zoning will remain in effect for the site indefinitely unless a deed restriction is placed upon the parcel. Please let me know if you wish to pursue this option further.

In order to determine if the shallow, and potentially perched, groundwater at the site is not a potential drinking water source, the total dissolved solids concentration of the groundwater needs to be determined and compared to the San Francisco Bay Basin Plan threshold limit of 3,000 milligrams per liter. There are three specific criteria by which groundwater may not be considered a potential drinking water source. Unless one of these three criteria are satisfied for groundwater in a specific area, all groundwater in the County of San Mateo has to be considered a potential drinking water source according to the Basin Plan. GPP can't just assume the shallow, and potentially perched, groundwater at the site contains enough total dissolved solids to exempt it as a potential drinking water source.

The goal of the random, stratified sampling plan was to determine if a potential problem existed at this site, not to identify all of the problems or "hot spots" at the site. Based on the results of the sampling and analysis, a more detailed site characterization needs to occur to define the lateral and vertical extent of contamination in the soil and groundwater at the site (i.e. identify all "hot spots"). Some explanation needs to be provided as to why the boundaries of the investigation were set in each lateral direction (i.e. the building to the south was one boundary condition). Remediation alternatives should be considered once the extent of the problem has been defined. Based on the fact that this site is opened on a contract basis and not as a leaking underground storage tank site, your evaluation of remedial alternatives could be more heavily weighted by time considerations rather than a cost-effective analysis as typically required. In this same light, you may choose to begin development of this property with concurrence from the City of Menlo Park while the site is still open and under GPP oversight. However, prior to obtaining a permit from the City of Menlo Park for grading or excavation a soils and groundwater management plan needs to be submitted and accepted by GPP. If the proposed development has any subgrade component in any of the areas known to contain residual contaminants, then a risk assessment will be required to determine if any exposure pathways for the contamination will become completed as a result of the development and what the increase to cancer risk is based on that exposure. Typically, GPP closes sites assuming residential land use with slab on grade construction. These same requirements will apply for any future development of the site even after the site has been closed if residual contaminants are left in the soil or groundwater.

All reports need to be signed and stamped by the registered professional in charge of the site. All parties need to identify an appropriate mailing address for all future correspondence. I appreciate your cooperation. Please call me at (650) 363-4565 if you have any questions.

3645 Haven Avenue, Menlo Park, CA (SMCo #449077)

April 30, 2003

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Sincerely,

A handwritten signature in cursive script that reads "Charles Ice". The signature is written in dark ink and is positioned below the word "Sincerely,".

Charles Ice
Hazardous Materials Specialist
Groundwater Protection Program

cc: David Klimberg, Geologica, 703 Market Street, Suite 609, San Francisco, CA 94103